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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 731 of 2022

The Manager,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

... Appellant

Vs.

Mathiyalagan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the order passed in M.C.O.P.No.383 of 2019 dated 20.03.2020 on the file of the MACT (Special Subordinate Judge's Court), Thanjavur.

For Appellant : M/s.P.M.Vishnuvarthanan

Respondent : No appearance

JUDGEMENT

The Transport Corporation has filed this Appeal against the order passed in M.C.O.P.No.383 of 2019 dated 20.03.2020 on the file of the MACT (Special Subordinate Judge's Court), Thanjavur.



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2. It is a case of injury. The contention of the appellant is that the injured and the other two persons were travelling in two-wheeler as triples, thereby violated the traffic rules. Further the injured and other two were not wearing helmet and they had travelled without driving license. Hence contributory negligence of 50% ought to be fixed on the part of the two-wheeler.

3. Considering the facts and circumstances of the case, this Court is inclined to consider the claim of the appellant. Hence the compensation is reduced to Rs.1,75,000/- and the same is payable with 7.5% interest along with Costs from the date of filing petition till the date of realization. The Transport Corporation has already deposited 50% of the award amount granted by the Tribunal. The appellant is directed to deposit the balance amount, within a period of Eight weeks from the date of receipt of a copy of the Order. On such deposit the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.



4. Accordingly, this Civil Miscellaneous Appeal is partly allowed.

No Costs.

08.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accident Claims Tribunal,
(Special Subordinate Judge's Court),
Thanjavur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.731 of 2022**

08.03.2024