



C.M.A(MD)No.585 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.01.2024**

CORAM

THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.585 of 2021
and
C.M.P.(MD)No.5598 of 2021

The Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai,
Through its Managing Director.

... Appellant

Vs.

K.Selvakumar

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree, dated 06.08.2020, passed in M.C.O.P.No.413 of 2017 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Madurai.

For Appellant : Mr.K.Sudalaiyandi

For Respondent : Mr.K.Dinesh

JUDGEMENT

The Civil Miscellaneous Appeal is filed against the order, dated 06.08.2020 in MCOP No.413 of 2017.



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2.The main ground that is canvassed by the Transport Corporation is that in the criminal case registered in C.C.No.9 of 2017 against the Driver of the Transport Corporation ended in acquittal. By relying on the said judgment, the Transport Corporation is claiming that the Corporation is not liable to pay the same.

3.There are several judgments wherein it is stated that the criminal proceedings cannot be relied on for any proceedings in M.C.O.P. Therefore, the point raised by the Transport Corporation is not acceptable. Even though several other grounds are raised each and every ground was already dealt by the Tribunal and answered in favour of the claimant and the Transport Corporation has not raised any legally sustainable ground. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.01.2024

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

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To

- 1.Motor Accident Claims Tribunal (Special Sub Judge),
Madurai.
- 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.585 of 2021

04.01.2024