



C.M.A(MD)No.210 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.210 of 2024

and

C.M.P.(MD)No.2493 of 2024

Tamil Nadu State Transport Corporation Limited,
Kumbakonam,
represented by its Managing Director,
Railway Station New Road,
Kumbakonam.

... Appellant

Vs.

1.Anandhi
2.Monica
3.Manibharathi
4.Kalyani
5.Govindaraj

6.Oriental Insurance Company Limited,
Kumbakonam,
By its Divisional Manager,
Office at: Town Hall Road,
Kumbakonam.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and award made in M.C.O.P.No.335 of 2012, dated 02.12.2016, on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Kumbakonam.



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For Appellant : Mr.S.Micheal Heldon Kumar
For R1, 2 and 4 : Mr.M.Palaniraja
For R3 : Mr.S.Manikandan
For R5 : Mr.M.Kaushikan
For R6 : Mr.C.Jawahar Ravindran

JUDGEMENT

This Civil Miscellaneous Appeal is filed by the Transport Corporation.

2.The Tribunal has fixed the negligence on the part of the Transport Corporation as well as on the owner of the Ambassador Car. The Insurance Company of Ambassador Car (6th respondent) has already deposited 50% of the compensation (Rs.4,70,000/-). The Transport Corporation has filed this appeal against the negligence fixed on them (50%).

3. It is seen that the Tribunal has analyzed the evidence and deposition and has rightly come to the conclusion. The Tribunal had fixed the compensation by taking the nature of accident and evidence into consideration. The Transport Corporation has not raised any legally sustainable grounds. Moreover, the Insurance Company of the Ambassador Car has already deposited 50% of compensation. Hence, the order passed by the Tribunal is confirmed. The Tribunal has awarded Rs.9,40,000/- as compensation to the claimants. Out of the



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compensation 50% is payable by the appellant and 50% is payable by the 6th respondent.

4.The appellant is directed to deposit their share of the compensation (Rs. 4,70,000/-) with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares with proportionate accrued interests and costs in the ratio fixed by the Tribunal, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2024

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

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To

- 1.Motor Accident Claims Tribunal,
Principal Sub Court, Kumbakonam.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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