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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.874 of 2021
and
C.M.P(MD)No. 8217 of 2021

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

... Appellant

Vs.

1. B.Dhanalakshmi

2. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai)
Limited, Tirunelveli.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree, dated 26.02.2020 passed in M.CO.P.No.41 of 2017 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court),Thoothukudi.

For Appellant	: M/s.K.Sudalaiyandi
For R-1	: Mr.T.Selvakumaran
For R-2	: Mr.R.Rajamohan, Standing Counsel



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JUDGEMENT

The Transport Corporation has preferred this appeal to set aside the Judgment and Decree, dated 26.02.2020 passed in M.C.O.P.No.41 of 2017 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Thoothukudi.

2. The nature of accident is that the buses belonging to the Transport Corporation, Madurai Division and Transport Corporation, Tirunelveli Division were involved in the accident and it is head on collision and considering the evidence produced, the Tribunal has fixed 50% contributory negligence for both Transport Corporation. In the aforesaid accident, the claimant Dhanalaksmi, who was injured, but she did not appear before the Medical Board for fixing her percentage of the disability. But considering the evidence the Tribunal had passed an award of compensation.

3. The contention of the Appellant/Transport Corporation is that the First Information Report was filed against the bus driver of the Tirunelveli Corporation and the appellant is not having any negligence in the said accident. This Court is not inclined to accept the said contention, since it is head on collision.



4. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

No Costs. Consequently, connected miscellaneous petition is also closed.

13.02.2024

[1/2]

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

To

1. The Motor Accident Claims Tribunal
Chief Judicial Magistrate Court,
Thoothukudi.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Judgment made in
C.M.A(MD)No.874 of 2021
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13.02.2024