



C.M.P.(MD).No.11936 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

C.M.P.(MD).Nos.11936, 11939 & 10924 of 2024

in

C.M.A.(DM)Nos.239, 240 & 244 of 2024

C.M.P.(MD).No.11936 of 2024

1 K.G.JENARTHANAN

2 K.J.SATHYABAMA

... Petitioner / Respondent Nos.1 &2

Vs

1 THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION

(MADURAI DIV.II) LIMITED. NO.19, TRIIVANDURAM ROAD,

VANNAR PETTAI, TIRUNELVELI.

... Respondent / Petitioner

2 G.R.SATHIYAMOORTHY

... Respondent /5th Respondent

3 THE BRANCH MANAGER

M/S.CHOLAMANDALAM M S GENERAL INSURANCE CO LIMITED,

3-4, FIRST FLOOR, DINDIGUL HIGHWAY ROAD,

OPP MAPPILAI VINAYAGAR THEATR,

MADURAI - 625 016.

... Respondent /6th Respondents

C.M.P.(MD).No.11939 of 2024

T.B.SABEETHA DEVI

... Petitioner / Respondent No.1

Vs



C.M.P.(MD).No.11936 of 2024

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI DIV.II) LIMITED. NO.19, TRIIVANDURAM ROAD,
VANNAR PETTAI, TIRUNELVELI. ... Respondent / Petitioner

2 G.R.SATHIYAMOORTHY ... Respondent / 2nd Respondent

3 THE BRANCH MANAGER
M/S.CHOLAMANDALAM M S GENERAL INSURANCE CO LIMITED,
3-4, FIRST FLOOR, DINDIGUL HIGHWAY ROAD,
OPP MAPPILAI VINAYAGAR THEATR,
MADURAI - 625 016. ... Respondent / 3rd Respondents

C.M.P.(MD).No.11924 of 2024

P.J.SARAVANAN

T.B.SABEETHA DEVI

S.B.SAKILA

K.S.ANITHA ... Petitioners/ Respondent No.1 to 4

Vs

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI DIV.II) LIMITED. NO.19, TRIIVANDURAM ROAD,
VANNAR PETTAI, TIRUNELVELI. ... Respondent / Petitioner

2 G.R.SATHIYAMOORTHY ... Respondent / 5th Respondent

3 THE BRANCH MANAGER
M/S.CHOLAMANDALAM M S GENERAL INSURANCE CO LIMITED,
3-4, FIRST FLOOR, DINDIGUL HIGHWAY ROAD,
OPP MAPPILAI VINAYAGAR THEATR,
MADURAI - 625 016. ... Respondent / 6th Respondents



C.M.P.(MD).No.11936 of 2024

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit us to withdraw the amount deposited by the 1st respondent before the Learned Motor Accident Claims Tribunal Cum Special District Court, Madurai in M.C.O.P.No.161/2017 and thus render justice.

Prayer in CMA(MD). 240/ 2024 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Motor Accident Claims Tribunal cum Special District Court, Madurai made in M.C.O.P.No.161/2017 dated 13.10.2022 and allow the appeal with costs and thus render justice.

Prayer in CMP(MD). 11939/ 2024 :

To permit us to withdraw the amount deposited by the 1st respondent before the Learned Motor Accident Claims Tribunal Cum Special District Court, Madurai in M.C.O.P.No.160/2017 and thus render justice.

Prayer in CMA(MD). 244/ 2024 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Motor Accident Claims Tribunal Cum Special District Court, Madurai made in M.C.O.P.No. 160/2017 dated 13.10.2022 and allow the appeal without costs and render justice.

Prayer in CMP(MD). 10924/ 2024 :

To withdraw the amount deposited by the 1st respondent before the Learned Motor Accident Claims Tribunal cum special District Court, Madurai in M.C.O.P.No.157/2017 and thus render justice.

Prayer in CMA(MD). 239/ 2024 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Motor Accident Claims Tribunal Cum Special District Court, Madurai made in M.C.O.P.No. 157/2017 dated 13.10.2022 and allow the appeal with costs and thus render justice.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.C.M. ARUMUGAM, Advocate for the petitioner and of M/s.MICHEAL HELDON KUMAR, Advocate on behalf of the 1st Respondent and



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M/s.K.R.SHIVASHANKARI, for the 3rd Respondent, the Ccourt made the following order:-

These petitions are filed to permit the respective petitioner/petitioners to withdraw the amount (50% of the award amount) deposited by the first respondent.

2. The only submission of the learned counsel for the appellant/Transport Corporation in these appeals is that the Tribunal erred in fixing the entire negligence on the bus driver and the Tribunal ought to have fixed 50% of the contributory negligence on the deceased/injured.

3. Since the admitted liability is 50%, the claimants are permitted to withdraw the amount deposited by the first respondent in the above appeals. These petitions are allowed.

4. Post these appeals for final hearing on 02.12.2024.

sd/-
28/10/2024

/ TRUE COPY /

/ 11 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 The Judge, Motor Accident Claims Tribunal Cum Special District Court, Madurai



C.M.P.(MD).No.11936 of 2024

+1. C.C. to C.M. ARUMUGAM Advocate SR.No.13479(I) dated 30/10/2024

+1. C.C. to C.M. ARUMUGAM Advocate SR.No.13483(I) dated 30/10/2024

+1. C.C. to C.M. ARUMUGAM Advocate SR.No.13484(I) dated 30/10/2024

ORDER
IN
C.M.P.(MD).Nos.11936, 11939 & 10924 of 2024
in
C.M.A.(DM)Nos.239, 240 & 244 of 2024
Date :28/10/2024

PSP/ SKN /SAR /11.11.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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