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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

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THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.909 of 2021

and

C.M.P(MD)No.8545 of 2021

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

... Appellant

Vs.

1. K.Ravichandran
2. P.Manikam
3. United Insurance Company Limited,
Represented through its Manager,
Having Office at No.73, santa maria complex,
1st Floor, Bye Pass Road,
Madurai – 625016.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Order dated 24.01.2020 passed in M.C.O.P No.230 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Madurai.

For Appellant	: Mr.K.Sudalaiyandi
For R-1	: Mr.S.M.A.Jinnah
R-2	: Given up
For R-3	: Mr.B.Rajesh Saravanan



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JUDGMENT

The Transport Corporation has preferred this Appeal against the Order dated 24.01.2020 passed in M.C.O.P No.230 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Madurai.

2. It is a case of injury. The Tribunal has fixed 30% disability based on the records. The contention of the Transport Corporation is that the injured was travelling from West to East. The offending vehicle was coming from East to West behind the two-wheeler. However, the two-wheeler suddenly took right turn, the accident was occurred and hence contributory negligence ought to be fixed.

3. This Court is of the considered opinion that when the two-wheeler is at mistake then contributory negligence ought to be fixed. However instead of fixing contributory negligence in percentage, if a portion of amount is reduced the same would meet the ends of justice. Therefore, the Court reduces Rs.50,000/- for contributory negligence from the total compensation of Rs.7,32,000/- granted by the Tribunal.



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

The Appellant/Transport Corporation is directed to deposit a sum of Rs.6,82,000/-[Rs.7,32,000 – 50,000/-], as compensation with interest at 7.5% p.a., along with costs, less the amount if already deposited, within a period of 12 weeks from the date of receipt of a copy of the Order. On such deposit being made, the claimant is entitled to withdraw the same by way of filing appropriate petition. No Costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

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

To

1. The Motor Accident Claims Tribunal
(Chief Judicial Magistrate Court),
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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Judgment made in
C.M.A(MD)No.909 of 2021

26.03.2024