



C.M.P.(MD) No.9314 of 2024

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

Monday, the Twenty Second day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P. VADAMALAI

C.M.P.(MD) No.9314 of 2024
in
C.M.A.(MD) No.325 of 2024

1 JOSEPH LATRRISA

2 TAICY IMKULAI RANI,

... PETITIONERS/RESPONDENTS

Vs

1 TAMIL NADU STATE TRANSPORT CORPORATION LTD.,,
THROUGH ITS MANAGING DIRECTOR,
THOOTHUKUDI ROAD, KTC NAGAR,
VM CHATHIRAM, TIRUNELVELI-11

2 TAMIL NADU STATE TRANSPORT CORPORATION LTD.,,
THROUGH ITS GENERAL MANAGER,
RANITHOTTAM, NESAMONY NAGAR,
NAGERCOIL.

... RESPONDENTS/APPELLANTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners to withdraw entire deposited amount along with the accrued interest to credit of M.C.O.P.No.84 of 2021 on the file of Motor Accident Claims Tribunal(Special Sub Court) Tirunelveli, Pending disposal of the above Civil Miscellaneous Appeal and thus render justice.



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Prayer in CMA(MD). 325/ 2024 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Motor Accident Claims Tribunal Special Sub Court, Tirunelveli made in M.C.O.P.No. 84/2021 dated 04.10.2023 and allow the appeal with costs and render justice.

ORDER : This 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.T.SELVAKUMARAN, Advocate for the petitioner and of MR.S.MICHEAL HELDON KUMAR, Advocate on behalf of the Respondents the court made the following order:-

This petition is filed for withdrawal of the entire deposited amount along with accrued interest.

2. Heard both sides. This Court perused the papers and found that the accident is though unusual yes not unfamiliar in Indian roads. The victim was riding a motorcycle and he had to apply sudden brake, as he wants to avoid a street dog that jumped into his line of motion and the offending vehicle, which was following the vehicle of the victim, hit the same from behind.

3. The appeal is directed only for fixing percentage of contributory negligence on the part of the victim of the accident.

4. The best case scenario for the respondents/appellants is that it should satisfy with 50% contributory negligence on the part of the victim. That however, is an issue that would ultimately have to be resolved in the appeal. But what could be derived is that with regard to the remaining 50%, the respondents/appellants may not be able



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to avoid it.

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5. In view of this preliminary finding, this Court partially allows this petition and the petitioners are permitted to withdraw 50% of the amount deposited along with accrued interest by following proper procedure.

sd/-
22/07/2024

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/08/2024

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

ABR

TO
THE SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL TIRUNELVELI

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-8368[I] dated 23/07/2024)

ORDER

IN

C.M.P.(MD) No.9314 of 2024

in

C.M.A.(MD) No.325 of 2024

Date :22/07/2024

RK/GS (09/08/2024) 3P / 3C

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