



C.M.A(MD)No.270 of 2024

WEB COP BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.270 of 2024

and

C.M.P.(MD)No.3472 of 2024

State Express Transport Corporation Limited,
Through its Managing Director,
Office at Thiruvalluvar House,
Pallavan Salai, Chennai – 600 002.

... Appellant

Vs.

1.Murugesan
2.Mahalakshmi
3.Kavitha
4.Kennady

5.The New India Assurance Company Limited,
through its Branch Manager,
Office at No.77/78, South Car Street,
Sivakasi

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award made in MCOP No.876 of 2015, dated 27.09.2022, on the file of the Motor Accident Claims Tribunal / Special Sub Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran
For R5 : Mr.V.Sakthivel



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JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous appeal.

2. It is a case of fatal. The claimants have filed the petition alleging negligence on the part of the Transport Corporation. However, in the claim petition, they have stated an Eicher lorry is also involved in the accident but the Tribunal has not taken the fact properly appreciated the same. In fact, on perusing the judgment, it is seen that the Tribunal has discussed the same and has stated that all the respondents are liable but in the final finding, the Tribunal has stated that the Transport Corporation alone is liable. Aggrieved over the same, the present appeal is filed. When the Eicher lorry is also involved as per the statement of the claimants, it is would be appropriate for the Tribunal to consider the issue properly.

3. Therefore, this Court is setting aside the impugned order and remitting the case back to the Tribunal only for considering the plea of negligence on the part of the Eicher lorry. The Tribunal shall complete the proceedings within a period of three months from the date of receipt of a copy of this judgment.



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4. With the above said observation, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

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

Tmg

To:

1. Motor Accident Claims Tribunal /
Special Sub Court, Tirunelveli.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Tmg

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