



C.M.A(MD)No.801 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.801 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi.

... Appellant

Vs.

Jothibass @ Jothibasu

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order passed in M.C.O.P.No.672 of 2015 dated 21.04.2021, on the file of the Motor Accident Claims Tribunal (Additional District and Special Court), Pudukottai.

For Appellant : Mr.P.M.Vishnuvarthanan
For Respondent : Mr.K.C.Maniyarasu

JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous Appeal.

2.It is a case of injury. The contention of the Transport Corporation is that the injured was travelling in a two-wheeler and there were three persons in the



two-wheeler which is against the rules. Further the injured was travelling without helmet. However, the learned Counsel for the respondent objected to the said contention and submitted the same cannot be a reason for declining the compensation and there are judgments to this effect.

3. After hearing the arguments this Court is of the considered opinion that the claimant is right in stating that the above stated violation will not be a bar to decline compensation. However, the claimant is not entitled to full compensation and for the violation a portion of the amount ought to be deducted. Therefore, this Court is inclined to reduce some portion of the compensation. The Tribunal has granted Rs.1,99,700/- with 7.5% interest but this Court is reducing the same to Rs. 1,90,000/- without interest, which would be just and fair compensation.

4. The appellant Transport Corporation is directed to deposit Rs.1,90,000/- and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the above said amount and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.



C.M.A(MD)No.801 of 2022

WEB COPY

5. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs.

11.03.2024

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

Tmg

To

1.Motor Accident Claims Tribunal /
(Additional District and Special Court), Pudukottai.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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