



CMA(MD).No.688 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.M.A. (MD).No.688 of 2022

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

... Petitioner

Vs

1. Nagajothi,
2. Minor. Sabari Ramesh,
3. Balu,

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the impugned award passed in MCOP. No. 116 of 2017, dated 27.09.2021, on the file of the MACT (Additional District Court), Ramanathapuram.

For Appellant : Mr. P.M.Vishnuvarthanan

For R1 & R3 : Mr.S.A.Ajmal Khan

For R2 : Minor represented by
R1.



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JUDGMENT

The present civil miscellaneous appeal is filed by the Transport Corporation. It is the case of the fatal.

2. The Transport Corporation has categorically raised a plea that their bus was not involved in the accident at all. The trip of the bus would start around 04.25 p.m. from Ramanathapuram and it would reach the Mavilangai Bus Stop around 4.55 pm. But as per the FIR the accident happened at 4 pm at Mavilangai Bust Stop and the accident at this bus is impossible since the bus would not have reached the Mavilangai destination. In such circumstances, the bus was not involved in the accident at all. In order to prove this, the respondents had sought permission to depose through driver, but opportunity was not granted.

3. Considering the above submissions and in order to give one more opportunity, the matter is remitted back to the Tribunal. The appellant is at liberty to produce additional evidence and also allowed to depose before the Tribunal to substantiate their claim.



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4. Therefore, the matter is remitted back to the Tribunal and the Tribunal shall complete the proceedings within a period of five months, from the date of receipt of a copy of this order.

5. With the above direction, this civil miscellaneous appeal is allowed.

No costs.

12.03.2024

Index : yes / No
Internet : yes / No

LR

To

The Motor Accident Claims Tribunal
(Additional District Court), Ramanathapuram.

Copy to

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

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S.SRIMATHY, J.

LR

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