



C.M.A(MD)No.114 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.114 of 2022
and
C.M.P.(MD)No.1078 of 2022

M/s.Tamilnadu State Transport Corporation
Limited,
represented by its Managing Director,
Vannarapettai, Tirunelveli.

... Appellant

Vs.

1.P.Iyyappan
2.I.Annalakshmi

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173(1) of the Motor Vehicles Act 1988, against the order and decreetal dated 17.02.2021₂, passed in M.C.O.P.No.2086 of 2019, by the Motor Accident Claims Tribunal (Principal District Judge), Tirunelveli.

For Appellant : Mr.R.Rajamohan
For Respondents : Mr.M.Laxmi Mahendra

JUDGEMENT

The Transport Corporation has filed this appeal against the award passed by the Tribunal.



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2. It is a case of fatal. The nature of accident is head on collision. The contention of the Transport Corporation is that the claimants have not impleaded the Insurance Company and the owner of the two-wheeler. If the Insurance Company and the owner of the two-wheeler were impleaded, then the liability fixed on the Transport Corporation would have been reduced. The Tribunal has taken the nature of accident into consideration and has awarded Rs.5,00,000/-. The Transport Corporation has already deposited the entire amount of Rs. 5,00,000/- before this Court. The claimants are entitled to withdraw 50% of the deposited amount. In the 50% amount i.e. in Rs.2,50,000/- (2/5th share to 1st claimant and 3/5th share to 2nd claimant).

3. For the balance amount, the case is remitted back for reconsideration. The claimants shall implead the owner of the two-wheeler and the Insurance Company of the two-wheeler and contest the case.

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

12.02.2024

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

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To

- 1.Motor Accident Claims Tribunal
(Principal District Judge), Tirunelveli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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