



C.M.A(MD)No.255 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.255 of 2024

and

C.M.P.(MD)No.3138 of 2024

The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai, Chennai.

... Appellant

Vs.

1.Vallithai
2.Nambi
3.Kannagi
4.Harisankar
5.Maharajan
6.Nambithai

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Award and Decree made in M.C.O.P.No.43 of 2020 dated 20.01.2023 on the file of the Motor Accident Claims Tribunal/Sub Court, Nanguneri.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.M.Laxmi Mahendra



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JUDGMENT

The present case is heard and disposed of on the admission stage itself.

2. This Civil Miscellaneous Appeal is preferred by the Transport Corporation. It is a case of fatal. The contention of the Transport Corporation is that the deceased was serving as Special Sub Inspector of Police but he was not wearing helmet. Moreover, the claimants have not produced the Driving License of the deceased and hence it has to be taken that the deceased was not having a valid driving license. However, the contention of the Transport Corporation was refuted by the respondents stating since he was a Sub Inspector he would have had Driving License, but he would not have renewed the same, however, that cannot be held against the claimants.

3. After hearing the arguments, as far as wearing helmet is concerned, since the deceased was serving as Special Sub Inspector of Police, he was supposed to follow the law scrupulously. Further the claimants had not produced the license of deceased. Therefore, taking over all consideration, this Court is inclined to reduce Rs.76,174/- from the compensation awarded by the Tribunal. Therefore, the compensation awarded by the Tribunal to the tune of Rs.26,76,174/- is



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reduced to Rs.26,00,000/- by this Court.

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4. The appellant is directed to deposit Rs.26,00,000/- with interest at the rate of 7.5% per annum 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 claimants are permitted to withdraw their shares (claimants 1 to 6 are entitled to Rs. 7,00,000/-, Rs.4,00,000/-, Rs.4,00,000/-, Rs.4,00,000/-, Rs.4,00,000/- and Rs. 3,00,000/- respectively) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal.

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

06.03.2024

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

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



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S.SRIMATHY, J.

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