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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 1157 of 2023

and

C.M.P(MD)No. 15486 of 2023

The Manging Director,
Tamil Nadu State Transport Corporation Limited,
Erode.

... Appellant

Vs.

1. Rajangam
2. Kathayi
3. Uma Maheswari
4. Srividhya
5. Shashang

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the award and decree made in M.C.O.P.No. 284 of 2022 dated 16.03.2023 on the file of the Motor Accident Claims Tribunal / Principal District Court, Pudukkottai.

For Appellant : M/s.P.Prabhakaran

For R-1 to R-4 : Mr.A.Xavier Antony Samy

For R-5 : No appearance



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JUDGEMENT

The Transport Corporation has preferred this appeal to set aside the award and decree made in M.C.O.P.No.284 of 2022 dated 16.03.2023 on the file of the Motor Accident Claims Tribunal / Principal District Court, Pudukkottai.

2. It is a case of fatal. The accident had occurred, when the “two- wheeler” hit the petrol tank of the transport corporation bus. The two wheeler and the rider of the two wheeler got burn injuries and the pillion rider was thrown out and died on the spot.

3. The contention of the Transport Corporation is that the Tribunal has not taken the fact that the driver of the two-wheeler is also liable for the accident. Further, the claimants have not impleaded the insurance company of the two-wheeler. If the insurance company of the two-wheeler is before the Tribunal, then a portion of the liability would be on the Transport Corporation and another portion would be on the insurance company. Further, the transport corporation submitted that the



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deceased was carrying centering works and he was only 22 years old at the time accident. But the tribunal has fixed his salary as Rs.14,000/- which is on the higher side.

4. After considering the above contention of the transport corporation this Court is inclined to interfere in the impugned order and reduce the compensation. It is seen that the present appeal is filed by the transport corporation for the disputed liability to the tune of Rs. 4,04,080/-. Therefore, this Court is inclined to fix the compensation as Rs.20,00,000/-.

5. Accordingly, the Transport Corporation is directed to deposit to the tune of Rs.20,00,000/- within a period of 12 weeks, from the date of receipt of a copy of the order, with 7.5% interest from the date of petition till the date of realization along with Costs, less the amount if already deposited. On such deposit, the claimants are permitted to withdraw their respective share as apportioned by the Tribunal, less the amount if already withdrawn.



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6. With these modifications, this Civil Miscellaneous Appeal is partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

19.02.2024

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

To

1. The Motor Accident Claims Tribunal/
Principal District Court,
Pudukkottai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No.1157 of 2023

19.02.2024