

CMA(MD) No.780 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Thirtieth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMA(MD) No.780 of 2023

THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION,
RANITHOTTAM,
NAGERCOIL,
AGASTEESWARM TALUK,
KANYAKUMARI DISTRICT.

... APPELLANT/2nd RESPONDENT

Vs

1 S.MILLING TANIA,

2 MINOR.N.DARSHAN,
REP.THROUGH HIS MOTHER

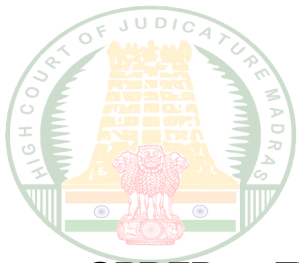
3 A.LEELA BAI,

... RESPONDENTS 1 TO 3/PETITIONERS

4 S.KRISHNAN,

... 4th RESPONDENT/1st RESPONDENT

Civil Miscellaneous Appeal filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order of the Motor Accidents Claims Tribunal cum 1st Additional District Court, Nagercoil made in MCOP No.25/2019 dated 21-03-2023 and allow the appeal without costs and render justice.



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ORDER : This Civil Miscellaneous Appeal coming up for orders on this day, upon perusing the Appeal and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.MICHEAL HELDON KUMAR, Advocate for the Appellant and of Mr.I.ROBERT CHANDRA KUMAR, Advocate on behalf of the Respondents No.1 to 3, the court made the following order:-

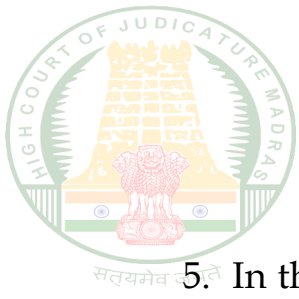
(Order of the Court was made by DR.ANITA SUMANTH, J.)

Heard the learned counsel for the appellant and the caveator.

2. The compensation awarded is a sum of Rs.1.68 Crores (approx.) sans interest and costs. The entire liability for the accident has been placed on the bus driver of the Tamil Nadu State Transport Corporation on the ground that Bolero vehicle which had run into the bus was on the correct side of the road. Admittedly, the driver of the Bolero vehicle was intoxicated beyond 60%.

3. There is thus a direction to the appellant to deposit 50% of the compensation awarded to the credit of Motor Accident Claims Tribunal cum I Additional District Court, Nagercoil in M.C.O.P.No.25 of 2019 within a period of six weeks from today. Proof of compliance be placed before the Registry upon such deposit.

4. The learned counsel for the respondents 1 to 3 would point out that the sole breadwinner of the family, the respondent, who was an ENT doctor has passed away in the accident, which taken place in 2019. The first respondent is stated not to have any resources on her own. The minor daughter is aged 10 years and the mother in law of the first respondent resides with them.



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5. In the above circumstances, the respondents are permitted to withdraw 50% of the amount directed to be deposited (50% of the 50% of the compensation).

Necessary documentation to be produced before the Tribunal. Pay out shall be in the same proportion as directed by the Tribunal in para 24 (4) & (5) of the Judgment. The amount assigned to the minor daughter shall be retained in an interest bearing deposit and the first respondent shall be entitled to withdraw the interest alone in respect of the minor daughter's share.

6. List in due course.

sd/-
30/08/2023

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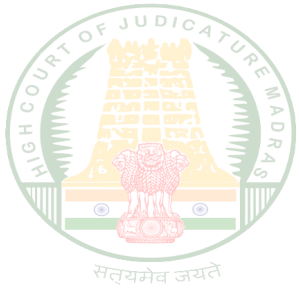
/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM
TO

THE I ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
NAGERCOIL.

COPY TO:

1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.I.ROBERT CHANDRA KUMAR, Advocate (SR-12957[I] dated
30/08/2023)

ORDER IN
CMA(MD) No.780 of 2023
Date :30/08/2023

SA/VR/SAR. /01.09.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.