

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Oct-17-2016

Judge : N. Kirubakaran

Appeal No. : C.M.A.Nos. 3631 of 2014, 520 to 523 of 2015, 1135 of 2015 & 986 of 2015

Appellant : Petitioner

Respondent : Respondent

Judgement :

N. Kirubakaran, J.

1. Since the above Civil Miscellaneous Appeals have been pending before this Court as Part-Heard matters, affidavits dated 13.10.2016, 13.10.2016, 14.10.2016, 14.10.2016, 17.10.2016 have been filed stating that 450 buses of the Tamil Nadu State Transport Corporation have been attached by various Motor Accident Claims Tribunals in Tamil Nadu in the Execution Petitions filed by the claimants. The buses have been attached for non-payment of the award amounts. By keeping the buses in the Court custody, the claimants are not able to get compensation money and the Transport Corporations are also put to loss because of the attachment of the buses. Consequently, the travelling public are put to untold hardships because of non-plying of the buses.

2. It is stated in the affidavits filed by the appellants/ Transport Corporations that Deepavali Festival is fast approaching and there is a need to operate more buses during the Deepavali Festival, as number of passengers would be more.

3. This Court, by order dated 28.04.2015, directed the release of the attached Transport Corporation buses forthwith, subject to the condition that the respective Transport Corporation deposits 25% of the respective compensation amount in the respective Execution Petition in the respective Tribunal, within a period of four weeks. Paragraphs 6 to 8 of the order dated 28.04.2015 read as follows:

6. Considering the need to operate more buses during the summer vacation and the convenience of the travelling passengers, it is appropriate to forthwith release all the vehicles belonging to the respective Transport Corporations, which have been attached and kept in the custody of the Court as stated in the annexures. The attached vehicles are directed to be released forthwith on condition that the Transport Corporations shall first deposit 25% of the respective compensation amounts in the respective Courts on or before 15.06.2015. The balance amounts of 75% has to be deposited before the respective tribunals in the following ratio i.e. 25% on or before 15.07.2015, another 25% on or before 15.08.2015 and the last instalment of 25% on or before 15.09.2015. Apart from the vehicles mentioned in the annexures, the following two vehicles are also directed to be released forthwith in the above manner.

1. Vehicle No.TN68/No.433, 2012 attached by MACT, Thanjavur in MCOP No.139 of 2008 by order dated 28.04.2015.

2. Vehicle No.TN68/No.455, 2012 attached by MACT, Thanjavur in MCOP No.197 of 2011 by order dated 28.04.2015.

7. By granting release of the vehicles on condition to deposit as stated above, no prejudice is caused to the claimants, as the award amount is directed to be deposited in the Court. This Court is aware off the fact that even the awards which were passed 5 to 10 years ago, are not satisfied by the Transport Corporations. This order is passed to benefit both the claimants and the Transport Corporation. Claimants can be informed about this order.

8. To verify whether the first instalment of 25% has been deposited or not, call the matter on 17.06.2015, failing which, respective Chairman-Cum-Managing Director of the Transport Corporation and the Financial Advisor-cum-Chief Accountant Officer of the Transport Corporations, apart from Additional Chief Secretary to Transport Department shall appear before this Court on that day. Due to paucity of time, the Registry is directed to send the copy of the order to the respective Tribunal as noted in the Tabular Columns, so as to enable respective Tribunals to release the vehicles immediately. If required, the Tribunal should have sitting on Saturday (2.5.2015) also to release the attached vehicles.

4. Subsequently also, this Court by order dated 17.06.2015, released Transport Corporation buses and few more buses by orders dated 07.08.2015 and 08.01.2016.

5. The conditions imposed by this Court are that the respective Transport Corporation should deposit 25% of the respective compensation amount in the respective Tribunal within six weeks from the date of release of the vehicles and another 25% within six weeks thereafter and further 25% within six weeks thereafter and the balance 25% within six weeks thereafter. As per the earlier order passed by this Court, all the vehicles have been stated to be released by the respective Tribunal and the amounts directed to be deposited by the respective Transport Corporation are stated to have been paid, thereby benefiting the respective claimants, Transport Corporations as well as the general public.

6. Since this order is passed only in the interest of both the claimants and the Transport Corporations, the claimants can be informed about this order.

7. Therefore, this Court directs the respective Tribunal to release forthwith the attached vehicles, whose details have been mentioned in the Annexure filed in the affidavits dated ...10.2016, 13.10.2016, 14.10.2016, 14.10.2016, ...10.2016, on condition that the Transport Corporations shall deposit 25% of the respective compensation amount along with interest and costs to the credit of the respective claim petition before the respondent Tribunal on or before 28.11.2016. The balance amounts of 75% has to be deposited before the respective Tribunal in the following ratio i.e., 25% on or before 09.01.2017, another 25% on or before

20.02.2017 and the last instalment of 25% on or before 03.04.2016.

8. It is made clear that all the Tribunals concerned are directed to release the attached vehicles forthwith tomorrow itself (18.10.2016) without waiting for the certified copy of this order as this order is being uploaded immediately in the official website of this Court and the same shall be downloaded for verification.

9. For reporting compliance of the first condition of deposit of 25% of the respective award amount by the Transport Corporations on or before 28.11.2016, list the matters on 29.11.2016.

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