



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

Coram:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.1018 of 2014

and

M.P(MD).No.1 of 2014

Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

.. Appellant/Respondent

Vs

Rajkumar

.. Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and to set aside the Judgment and Decree, dated 02.06.2014, passed in M.C.O.P.No.85 of 2009, on the file of the Motor Accident Claims Tribunal/Special Sub Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.A.Arun Prasad

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree, dated 02.06.2014, passed in M.C.O.P.No.85 of 2009, on the file of the Motor Accident Claims Tribunal/Special Sub Court, Thanjavur.

2. It is a case of an injury caused due to the accident took place on 13.01.2008, around 2.00 p.m., near Thanjavur-Kollangari West Street Mela Theru. The injured filed a claim petition in M.C.O.P.No.85 of 2009, before the Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.2,27,000/- as total compensation. Challenging the same, the appellant preferred this appeal.

3. The learned counsel for the appellant/Tamil Nadu State Transport Corporation mainly contended that the Tribunal has awarded Rs.3,000/- for 1% of disability. Further, the accident took place in the year 2008 and the Tribunal ought not to have awarded Rs.3,000/- for 1% of disability. He further raised objection that the prevailing practice at the relevant point of time was awarded Rs.2,000/- for 1%. Such being the practice, the Tribunal has



committed an error in awarding Rs.3,000/- for 1%. Therefore the award has to be reconsidered and reduced.

4. Heard the learned counsel on both side and perused the records.

5. The learned counsel for the respondent/claimant opposed the appeal by stating that the claimant sustained three fractures in right leg and injuries all over the body.

6. Such being the nature of injuries sustained by the respondent/claimant, this Court is of the view that the reduction of compensation need not be considered. Further, considering the facts and circumstances of the case, this Court is not inclined to reverse or modify the findings of the Tribunal and accordingly the order passed by the Motor Accidents Claims Tribunal/Special Sub Court, Thanjavur, in M.C.O.P.No.85 of 2009, dated 02.06.2014 is confirmed.

7. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

8. The appellant/Tamil Nadu State Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, to the credit of M.C.O.P.No.85 of 2009, on the file of the Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited, and on such deposit being made, the respondent/claimant is permitted to withdraw the entire award amount, with accrued interest and costs, through RTGS, by filing necessary application before the Tribunal concerned.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Thanjavur.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78835

PJL

TE/SS2-KSM : 25/01/2017 : 2P/4C