



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.1116 of 2014
and
M.P. (MD) No. 2 of 2014

Tamil Nadu State Transport Corporation,
Kumbakonam Division I
through its Managing Director,
Kumbakonam Taluk, Kumbakonam,
Thanjavur District.

... Appellant/Respondent

Vs.

Muthukannu

... Respondent/Petitioner

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.327 of 2010 dated 18.04.2013 on the file of the Motor Accident Claims Tribunal, III Additional District and Sessions Court, Thanjavur at Pattukottai.

For Petitioner : Mr.P.Prabhakaran
For Respondent : Mr.S.Deenadhayalan

J U D G M E N T

It is a case of an injury caused on account of an accident took place on 02.09.2009 around 6.30 p.m. near Thondarampattu Santhaipetai. The injured / victim filed an application seeking compensation before the Motor Accident Claims Tribunal, Pattukottai in M.C.O.P.No.327 of 2010 and the Tribunal considering the facts and circumstances of the case, granted a sum of Rs.2,94,245/- as total compensation. Challenging the same, the appellant/Tamil Nadu State Transport Corporation preferred this appeal on the ground that the quantum of compensation is erroneous. Further, the liability of 75% fixed on the appellant/Transport Corporation is also wrong.

2. On reading of the findings of the Tribunal, it is clear that the Tribunal has considered all these aspects and fixed 25% of the liability on the injured/claimant and 75% on the Transport Corporation. Such being the factual position, this Court is not inclined to reconsider the findings of the Tribunal and accordingly, the award passed in M.C.O.P.No.327 of 2010, dated 18.04.2013 is

confirmed and this appeal is dismissed.

3. In view of the dismissal of the appeal, the appellant/State Transport Corporation is directed to deposit the entire award amount with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this order, if not already deposited already. On such deposit, the respondent/claimant is permitted to withdraw the entire award amount with accrued interest, through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
III Additional District and Sessions Judge,
Thanjavur at Pattukottai.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78834
+ 1 CC TO Mr.S.DEENADHAYALAN, ADVOCATE IN SR No. 78488

AKV
TE/JM : 02/03/2017 : 2P/5C

C.M.A. (MD) No. 1116 of 2014 and
M.P. (MD) No. 2 of 2014
02.12.2016