



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.1244 of 2016

and

M.P. (MD) .No.10711 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Divisional Office II,
Collector Office Road,
Periamilaguparai,
Trichy.

... Appellant/Respondent

vs.

Nirmal Kumar

... Respondent/Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, against the order dated 22/01/2015 passed in MCOP.No.4472 of 2013 on the file of Motor Accidents Claims Tribunal, (Special Subordinate Court), Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.N.Sudhagar Nagaraj

JUDGMENT

The present Civil Miscellaneous Appeal has been against the order dated 22/01/2015 passed in MCOP.No.4472 of 2013 on the file of Motor Accidents Claims Tribunal, (Special Subordinate Judge), Tiruchirappalli.

2.It is a case of injury caused due to the accident that took place on 01.06.2015 at about 02.30 p.m at Kaja Nagar signal near Murugan Koil, Mannarpuram, Tiruchy. The injured/victim filed a claim petition seeking compensation before the Motor Accidents Claims Tribunal, (Special Subordinate Judge), Tiruchirappalli, and the Tribunal by considering the facts and circumstances of the case, awarded Rs.7,00,830/- as total compensation with interest at 7.5% per annum. The appellant Transport Corporation has filed the present appeal, challenging the Award passed by the Tribunal.



3.The learned counsel for the appellant contended that the quantum of compensation awarded by the Tribunal is excessive and the multiplier adopted by the Tribunal for the partial permanent disability is erroneous.

4.The learned counsel for the respondent opposed the contention made by the learned counsel for the appellant stating that the Tribunal rightly adopted the multiplier as per the principles laid down by the Hon'ble Supreme Court in the case of **RAJ KUMAR V. AJAY KUMAR AND ANOTHER reported in 2011 ACJ (1)**. Therefore, there is no infirmity in the award passed by the Tribunal.

5.Considering the facts and circumstances of the case and on reading of the finding recorded by the Tribunal in the case on hand, this Court finds no infirmity in the award passed by the Tribunal and accordingly, no intervention is required. Hence, the Civil Miscellaneous Appeal devoid of merits.

6.In the result, the Civil Miscellaneous Appeal is dismissed. The award passed in MCOP.No.4472 of 2013 dated 22/01/2015 by the Motor Accidents Claims Tribunal, (Special Subordinate Judge), Tiruchirappalli is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

7.The appellant Transport Corporation is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of M.C.O.P.No.4472 of 2013, on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Tiruchirappalli, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent/claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs through RTGS, by filing necessary application before the Tribunal concerned.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
Motor Accident Claims Tribunal
(Special Subordinate Judge), Tiruchirappalli.

+1cc to M/s.N.Sudhagar Nagaraj, Advocate Sr.NO.70830
+1cc to M/s.P.Prabhakar, Advocate SR.No.70512

cla

sm:mpa(2):29/12/2016:2P/4C