



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.1236 of 2014

and

M.P(MD)No.3 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonbam Division,
Karaikudi.

... Appellant/Respondent

vs.

Azhagammai @ Azhagammal

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 27.12.2013 passed in MCOP.No.161 of 2010 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Pudukkottai.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.T.Lenin Kumar

JUDGMENT

It is the case of injury caused on account of the accident took place on 15.04.2010 around 02.10 p.m on Pudukkottai-Thanjavur road near Mullur vilakku road. The injured filed an application before the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Pudukkottai, and the Tribunal considering the facts and circumstances of the case, awarded Rs.1,28,079/- as total compensation with interest at 7.5% per annum. The present appeal is filed by the appellant/insurance company, mainly on the ground that Rs.2,000/- fixed for 1% disability is erroneous and further, the injured crossed the road negligently and hence, the accident took place.

2.This Court is of the view that the injured was agricultural coolie and aged 60 years at the time of accident and therefore, fixation of Rs.2,000/- for 1% disability, cannot be said to be excessive and this Court is unable to accept the contentions raised by the appellant in this regard and accordingly, the



impugned award is confirmed.

3. The appellant is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already and thereafter, the respondent/claimant, is permitted to withdraw the same, through RTGS, by filing necessary applications before the Tribunal.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, M.P(MD)No.3 of 2014 is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Pudukkottai.

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. 78386
+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 75008

NBI

TE/KSM : 27/01/2017 : 2P/5C

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