



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 01.12.2016

CORAM :  
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.759 of 2014  
and  
M.P(MD)No.1 of 2014

The General Manager,  
Tamil Nadu State Transport Corporation,  
Managiri,  
Karaikudi.

... Appellant/Respondent

vs.

Paulthai

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 21.10.2013 passed in MCOP.No.185 of 2013 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran  
For Respondent : Mr.P.T.Thiraviyam

#### JUDGMENT

It is the case of injury caused on account of the accident took place on 24.10.2011 around 07.45 p.m at Keela Shanmugapuram bus stop. The injured filed an application before the Motor Accident Claims Tribunal, Special Sub Court, Tirunelveli, and the Tribunal considering the facts and circumstances of the case, awarded Rs.1,57,600/- as total compensation with interest at 9% per annum. The present appeal is filed by the appellant/Transport Corporation, challenging the award passed by the Tribunal, mainly on the ground that the rate of interest awarded by the Tribunal at 9% is erroneous and the same requires reconsideration.

2.Learned counsel for the appellant contended that during the relevant point of time, the Tribunals were consistently awarding 7.5% interest for the compensation amount, but in the case on hand, the Tribunal awarded excess interest at 9% per annum. Hence, the rate of interest needs reduction.

3.This Court is unable to appreciate the arguments advanced by the counsel for the appellant. It is a case of injury and the person injured was 54 years at the time of accident and he was agricultural coolie and it is pertinent to note that the nature of injury was also grievous and considering the age of the injured and



the nature of injury, this Court is not inclined to reduce the interest nor the total amount of compensation.

4. The appellant Transport Corporation 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 disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-  
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To  
The Subordinate Judge,  
The Special Sub Court,  
Motor Accident Claims Tribunal,  
Tirunelveli(with records).

+1cc to Mr.P.Prabakaran, Advocate in SR.No.78389

CMA(MD)No.759 of 2014  
01.12.2016

nbi  
CSL/EM-MPA/28.12.2016:2P/3C