



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

Coram:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A (MD) No.798 of 2014
and
M.P. (MD) No.1 of 2014

Tamil Nadu State Transport Corporation,
Rep. by its Managing Director,
Maruthupathi,
Karaikudi Town,
Sivagangai District.

.. Appellant/Respondent

-Vs-

P.Vellaichamy

.. Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.08.2011 made in M.C.O.P.No.14 of 2009 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Sivagangai.

For Appellant : Mr.D.Sivaraman

For Respondent : No appearance

JUDGMENT

The appellant/Transport Corporation, filed the present C.M.A. (MD) No.798 of 2014, challenging the award passed in M.C.O.P.No.14 of 2009 by the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Sivagangai.

2.The facts in nutshell are that the accident took place at about 8.00 p.m. on 12.02.2008 near Manalur on the Madurai - Rameswaram Main Road, in which the respondent/claimant sustained injuries. The claimant filed application seeking compensation before the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Sivagangai and the Tribunal considering the facts and circumstances of the case awarded Rs.1,38,000/- towards total compensation. Challenging the award, the Transport Corporation filed this appeal on the ground that the quantum of compensation awarded by the Tribunal is excessive, since the Tribunal granted Rs.50,000/- towards pain and sufferings.



3.The learned counsel for the appellant submitted that the Tribunal had awarded a sum of Rs.50,000/- towards pain and sufferings, which is excessive.

4.This Court considered the submissions of the learned counsel for the appellant and perused the materials available on record.

5.Though the Tribunal had awarded a sum of Rs.50,000/- towards pain and sufferings, it has not awarded any amount towards loss of income, attendant charges and future medical expenses. Such being the factual position, there would be only rearrangement of compensation and there is no possibility of reduction of compensation. Hence, no purpose will be served by merely rearranging the heads of compensation. Therefore, this Court is not inclined to consider the above ground raised by the appellant.

6.Accordingly, this Civil Miscellaneous Appeal is dismissed and the award of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Sivagangai dated 30.08.2011 made in M.C.O.P.No.14 of 2009 is confirmed. The learned counsel for the appellant submitted that the entire award amount was already deposited. The respondent/claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, less the amount already received through RTGS by making necessary applications before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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

Copy To:-

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 72973

SJ

TE/SS2-KSM : 23/01/2017 : 2P/4C
<https://hcservices.ecourts.gov.in/hcservices/>

C.M.A(MD)No.798 of 2014 and
M.P. (MD)No.1 of 2014
24.11.2016