



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.1999 of 2013  
and  
M.P(MD).No.2 of 2013

The Managing Director,  
Tamil Nadu State Transport Corporation  
Periamilaguparai,  
Tiruchirappalli -1.

.. Appellant/Respondent

**-Vs-**

Muthukrishnan

.. Respondent/Petitioner

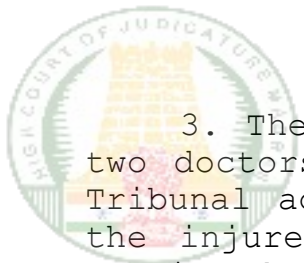
**Prayer:-** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and set aside the Judgment and Decree dated 31.01.2013, passed in M.C.O.P.No.1017 of 2006, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran  
For Respondent : No Appearance

### **JUDGMENT**

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree dated 31.01.2013, passed in M.C.O.P.No.1017 of 2006, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Tiruchirappalli.

2. It is the case of injury caused due to the accident took place on 25.10.2004, around 5.30 a.m., in the Government Transport Corporation Depot, Thuraiyur Branch. The injured/victim filed a claim petition seeking compensation before the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Tiruchirappalli, in MCOP.1017 of 2006. The Tribunal, by considering the facts and circumstances of the case, granted a sum of Rs.2,22,000/- as total compensation, against which, the appellant / Tamil Nadu State Transport Corporation filed the present appeal on the ground of quantum.



3. The learned counsel for the appellant mainly contended that two doctors have given two different disability percentage and the Tribunal adopted its own decision, for assessing the disability of the injured claimant. Such being the case, the Tribunal has not committed any error on record. Further the injured is 48 years at the time of accident and he was working as a driver. Nature of the injury sustained by the respondent/claimant was that there was a head injury and undergone a surgery on the head and further sustained fractures. In such circumstances, this Court is not inclined to interfere with the quantum of compensation fixed by the Tribunal and accordingly, the award passed by in MCOP.1017 of 2006, dated 31.01.2013, is confirmed.

4. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

5. The appellant is directed to deposit the entire award amount with accrued interest and costs, to the credit of MCOP.1017 of 2006, the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Tiruchirappalli, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the respondent/claimant is permitted to withdraw the entire award amount with 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**

1.The Motor Accident Claims Tribunal/  
Chief Judicial Magistrate, Tiruchirappalli.

2.The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78847

PJL

TE/SS2-KSM : 19/01/2017 : 2P/4C

C.M.A (MD) No.1999 of 2013 and  
M.P (MD) .No.2 of 2013  
02.12.2016