



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1296 of 2016

and

CMP(MD)No.10989 of 2016

The Managing Director,
Karnataka State Transport Corporation Ltd,
Bangalore, Karnataka State.

... Appellant

Vs.

P.Kasimayan

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the order and decree dated 23.12.2009 made in MCOP.No.121 of 2008 on the file of the Motor Accident Claims Tribunal, Sub Court, Periyakulam.

For Appellant : Mr.K.Gokul
For Respondents : M.Sankar

JUDGMENT

The Karnataka State Transport Corporation Limited has filed this appeal questioning the impugned award principally on the ground of quantum.

2.The respondent was a pillion rider in a two wheeler. The accident in question took place on 06.05.2008. The claimant had suffered injuries all over the body and the disability suffered by the claimant was assessed at 53%. Admittedly, the claimant was an in-patient in Government Hospital for a period of 23 days that is from 07.05.2008 to 30.05.2008. He was running a hotel.

3.Considering all these aspects, a sum of Rs.1,82,250/- was awarded by the Tribunal with interest. By no stretch of imagination can this be said to be excessive. The award dated 23.12.2009 made in MCOP.No.121 of 2008 on the file of the Motor Accident Claims Tribunal, Sub Court, Periyakulam is confirmed.

4.The appellant transport corporation is directed to deposit the entire compensation amount with interest as awarded by the Tribunal on the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy



of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

5. This appeal is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Subordinate Court,
Motor Accident Claims Tribunal, Periyakulam.

COPY TO:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.K.Gokul, Advocate SR.No. 91486

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skm

JM/SV/SAR 2/04.06.2018/2P/5C