



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) Nos.1216 & 1255 of 2015
and
MP (MD) Nos.2 & 2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Bye pass Road, Madurai. ... Appellant/Respondent
in both CMAs

Vs.

1.Minor Aadavan
Rep.by his father Jegan Babu ... Respondent/Claimant in
CMA (MD) No.1216 of 2015
2.Shalini ... Respondent/Claimant in
CMA (MD) No.1255 of 2015

Prayer: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 31.01.2014 made in M.C.O.P Nos.695 and 696 of 2013 on the file of the Motor Accidents Claims Tribunal / Special Sub Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran in both CMAs

For Respondents : Mr.V.Sasikumar in both CMAs

JUDGMENT

Heard the learned counsel on either side.

2.The transport corporation has filed these two appeals questioning the award dated 31.01.2014 made in M.C.O.P Nos.695 and 696 of 2013 on the file of the Motor Accidents Claims Tribunal / Special Sub Court, Tirunelveli on the ground of quantum.

3.The respondents herein were travelling as pillion riders. The 2 wheeler in which they were riding was dashed against the bus belonging to the appellant corporation. The respondents/claimants



suffered injuries. The Tribunal has held that the accident took place on account of the rash and negligent driving of the driver employed by the corporation. The said finding does not warrant any interference. Considering the nature of the injuries suffered by the claimants, a sum of Rs.92,840/- was awarded in MCOP.No.695 of 2013 and a sum of Rs.5,46,660/- was awarded in MCOP.No.696 of 2013.

4.The claimant in MCOP.No.696 of 2013 had suffered fractures in his right leg and right hip. Disability was fixed to the tune of 45%. The medical bills alone came to be more than Rs.3.00 lakhs. Taking into account of the all the relevant circumstances, a sum of Rs.5,46,660/- was awarded to the claimant. The compensation amount awarded in both the claim petitions cannot be said to be excessive by no stretch of imagination. There is no merit in these two appeals. However, the tribunal awarded interest at the rate of 9% per annum. This Court has consistently been awarding interest only at the rate of 7.5% per annum.

5.The award dated 31.01.2014 made in M.C.O.P No.695 and 696 of 2013 on the file of the Motor Accidents Claims Tribunal / Special Sub Court, Tirunelveli is accordingly modified in respect of the interest portion. In all other respects, the awards passed by the Tribunal are confirmed.

6.The appellant corporation is directed to deposit the entire compensation amount to the claimants in both the MCOP.Nos.695 and 696 of 2013, with interest at the rate of 7.5% per annum from the date of petition till date of realization, and costs, 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 claimants in both MCOPs are entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by them, if any. The appellant corporation is permitted to withdraw the balance amount, if any, in both the claim petitions.

7.These Civil Miscellaneous Appeals are partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Special Subordinate Judge,
Motor Accidents Claims Tribunal,
Special Sub Court, Tirunelveli.



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

WEB COPY

+2cc to Mr.P.Prabhakaran, Advocate Sr.No.86485,86486

+2cc to Mr.V.Sasikumar, Advocate Sr.No.86354,86356

SKM

VB/GT/SAR3/07/12/2017/3P/7C

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