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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

Coram:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.309 of 2017
and
C.M.P(MD)No.3636 of 2017

The General Manager,
The Tamil Nadu State Transport Corporation
Karaikudi. .. Appellant/Third Respondent

-Vs-

1.A.Subramanian ....Ist Respondent/Petitioner

2.S.Vairavan

3.The Administrative Manager,
Royal Sundaram Insurance Allianz Company Limited,
46, Whites Road, Chennai. .....Respondents 2 and 3/Respondents 1 and 2

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the award and decree made in M.C.O.P.No.58 of 2005, dated 22.3.2016, on the file of the Motor Accident Claims Tribunal(Sub-Court), Devakottai.

For Appellant : M/s.P.Prabhakaran

JUDGMENT

The Transport Corporation which has been made liable to pay 50% of the award amount in view of the finding relating to the contributory negligence in a case of collision between two vehicles, is the appellant.

2.Though the First information Report has been filed against the driver of the lorry, the Tribunal taking note of the facts relating to the accident and the manner in which the accident had occurred, had concluded that both the drivers were responsible for the accident and apportioned the award equally between the owners of the bus and the lorry belonging to the second respondent. I do not find any illegality or irregularity in the apportionment of the award made by the Tribunal. As regards the quantum of compensation, the Tribunal had assessed the disability at 36% and

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awarded Rs.2,500/- per each percentage of disability.

3.Mr.P.Prabhakaran, learned counsel for the appellant/Transport Corporation would contend that Rs.2,500/- awarded per percentage of disability is on higher side. The percentage of disability at 36% which is more than one third, that too, the disability is on the right hand of the injured who has been working as a cook and it would definitely affect his future prospects. Therefore I do not find any ground to interfere with the quantum of compensation awarded by the Tribunal and thus the appeal fails.

4.Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, connected Civil Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
(Sub-Court),
Devakottai.

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

+1 cc to Mr.P.Prabhakaran , Advocate, SR.No. 52440

vsn
AE/MMS/SAR3/12.05.2017/2P/4C

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