



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1378 of 2015

and

M.P. (MD) .No.1 of 2015

State Express Transport Corporation Limited,
Through its
Managing Director,
Office at
Thiruvalluvar House,
Pallavan Salai,
Chennai.

... Appellant / Respondent

Vs.

Selvakumar

... Respondent / Petitioner

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal/Special Sub Court, Tirunelveli made in M.C.O.P.No.364 of 2014 dated 02.06.2015.

For Appellant : Mr.P.Prabhakaran

For Respondent : Mr.T.Selvakumaran

JUDGMENT

Heard the learned counsel on either side.

2.The appellant challenges the impugned award on the ground of quantum. The claimant was travelling in a two-wheeler, when the bus belonging to the appellant Corporation dashed against it. In the resulting accident, the claimant suffered multiple fractures. The disability suffered by him has been assessed at 60%. The claimant incurred medical expenditure to the tune of Rs.1,89,330/- towards treatment alone. Though the Tribunal approached the issue from a correct perspective for fixing negligence on the driver appellant Corporation and also awarding damages under various heads, the Tribunal awarded a sum of Rs.1,50,000/- towards loss of amenities. It appears to be excessive. I reduce the said amount from Rs.1,50,000/- to Rs.1,00,000/-. Excepting this modification by reduction of Rs.50,000/- under the head "loss of amenities". Similarly the award of 9% interest is also incorrect. Even the award of 7.5% on fixed deposits. Excepting these two modifications, there is no other interference.



3. Therefore the award dated 02.06.2015 made in M.C.O.P.No.364 of 2014, on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tirunelveli is modified accordingly.

4. The appellant is directed to deposit the entire compensation amount of Rs.5,57,830/- with interest at the rate of 7.5% per annum with costs, from 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Special Sub Court, Tirunelveli.

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

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 86484

+1cc to M/S.T.Selvakumaran, Advocate SR.No. 87138

C.M.A. (MD) No.1378 of 2015
and
M.P. (MD) .No.1 of 2015
10.11.2017

TSG

JM/SV MMS/SAR 1/11.12.2017/2P/5C