



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.533 of 2017
and
C.M.P.(MD)No.5675 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division - II),
Periyamilaguparai,
Trichy - 1.

... Appellant

Vs.

Minor.Rahavan
(Represented by his father and
natural guardian Murugan)
M.Pudupatti, Musiri Taluk,
Trichirappalli District.

... Respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree made in M.C.O.P.No.126 of 2013, dated 10.02.2016 on the file of the Motor Accident Claims Tribunal / III Additional Sub Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.C.Padmaraj

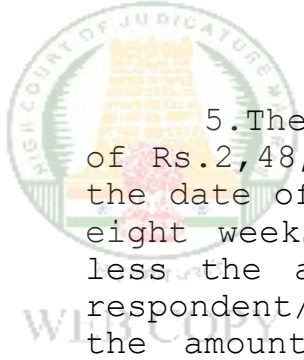
JUDGMENT

Heard the learned counsel on either side.

2.The appellant Transport Corporation has filed this appeal, questioning the impugned award on the ground of quantum.

3.It is a case of injury. A minor child had suffered injuries. He had taken treatment in the hospital. The medical bills were produced. Ex.P3, Ex.P.7 and Ex.P.8 were marked in this regard. But even on an apparent reading it is seen that there has been a duplication. Therefore the sum of Rs.1,10,069/- has to be reduced by 50%. The compensation payable to the claimant will have to be reduced from Rs.3,03,069/- to Rs.2,48,035/-.

4.The award dated 10.02.2016, in M.C.O.P.No.126 of 2013, dated on the file of the Motor Accident Claims Tribunal / III Additional Sub Court, Tiruchirappalli is modified accordingly.



5. The appellant is directed to deposit the compensation amount of Rs.2,48,035/- with interest at the rate of 7.5% per annum 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 judgment, less the amount already deposited, if any. On such deposit, the respondent/claimant is entitled to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. The State Transport Corporation is directed to withdraw the deposited amount if, any, by filing proper application before the Tribunal. The share of the minor claimant shall be deposited in any one of the Nationalized Banks till he attained majority. The natural guardian/ the father of the claimant is permitted to withdraw the interest there from once in three months directly from the Bank.

6. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
The III Additional Subordinate Judge,
Motor Accident Claims Tribunal,
III Additional Sub Court, Tiruchirappalli.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai (2 Copies)

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 91704

C.M.A. (MD) .No.533 of 2017
08.12.2017

tsg/Ls
KK/SKN RSK/SAR 1/10.04.2018/2P/5C