



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1416 of 2015
and
M.P. (MD) No.4 of 2015

The Managing Director,
State Express Transport Corporation Ltd,
Pallavan Salai,
Chennai-2.

...Appellant /1st respondent

Vs.

1.N.Maheswari

... 1st Respondent/Petitioner

2.B.Ayyappan

3.Royal Sundaram Allianz Insurance Company Ltd
45 and 46, whites Road
Chennai-600014.

...Respondents 2 & 3/Respondents 2 & 3

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, set aside the judgment and decree made in M.C.O.P.No.1950 of 2013 dated 29.04.2014 on the file of the Motor accident claims Tribunal / Special District Court, Thiruchirappalli.

For Appellant	: Mr.P.Prabhakaran
For R-1	: Mr.M.Siddharthan
For R-3	: Mr.S.Srinivasa Raghavan

JUDGMENT

Heard the learned counsel on either side.

2.The appellant / Transport Corporation has filed this Civil Miscellaneous Appeal against the impugned award order dated 29.04.2014 made in M.C.O.P.No.1950 of 2013 passed by the Motor Accident Claims Tribunal / Special District Court, Thiruchirappalli, on the ground of quantum.

3.The Tribunal rightly fixed the entire negligence on the driver employed by the appellant / Transport Corporation. The Tribunal awarded a sum of Rs.2,19,042/- as compensation to the claimant. This Court is of the view that the said award amount cannot be said to be excessive. There is no merit in this Civil Miscellaneous Appeal.



4.The award made in M.C.O.P.No.1950 of 2013 dated 29.04.2014 by the Motor Accident Claims Tribunal / Special District Court, Thiruchirappalli is confirmed.

5.The appellant / Transport Corporation is directed to pay the award amount of Rs.2,19,042/- with interest at 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. The claimant is permitted to withdraw the entire amount, less the amount already withdrawn by him, if any.

6.This Civil Miscellaneous Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Special District Judge,
Motor accident claims Tribunal,
Thiruchirappalli.
- 2.The Record Keeper,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 88994

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JM/KK/SAR 4/19.03.2018/2P/5C