



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

CORAM

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) .No.276 of 2016

and

C.M.P. (MD) .No.3840 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Appellant/Respondent

Vs.

Pappu

... Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.543 of 2013, dated 23.11.2015 on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.D.Veerasekaran

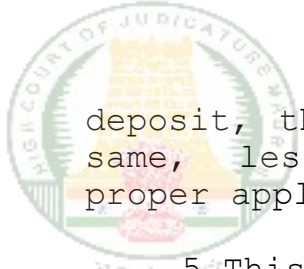
JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal questioning the impugned award on the ground of quantum. The claimant suffered serious fracture in the ankle. He had also suffered other injuries. He was an in-patient for more than 85 days in the hospital. Considering the duration of time spent in the hospital, I am of the view that a sum of Rs.2,06,350/- awarded as compensation cannot be said to be excessive.

3.However, the Tribunal erred in awarding the interest at the rate of 9%. The same is reduced to 7.5% per annum. The award is modified only on this count. In all other respects, the award of the Tribunal is confirmed. Therefore, the award made in M.C.O.P.No.543 of 2013, dated 23.11.2015, on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur, is modified accordingly.

4.The appellant is directed to deposit the compensation amount of Rs.2,06,350/- 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 judgment, less the amount already deposited, if any. On such



deposit, the first respondent/claimant is entitled to withdraw the same, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

5. This civil miscellaneous appeal stands partly allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Special District Judge,
Special District Court,
Motor Accident Claims Tribunal,
Thanjavur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.VEERASEKARAN, ADVOCATE IN SR No. 91208
+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 91275

TSG/LS
TE/RSK/SAR-4 : 04/07/2018 : 2P/6C

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