



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.360 of 2016
and
CMP (MD) No.5153 of 2016

1. Superintendent,
Govt. Head Quarters Hospital,
Kumbakonam.

2. The District Collector,
Thanjavur.

... Appellants/Respondents

Vs.

S.Kumar

... Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 19.06.2012 made in M.C.O.P No.15 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge's Court, Thanjavur.

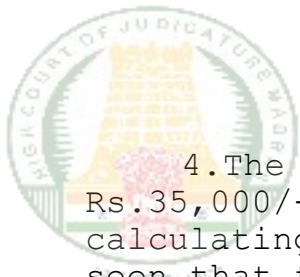
For Appellants	: Mr.D.Muruganantham, Addl.Government Pleader
For Respondent	: Mr.N.Tamil mani for Mr.D.Veerasekaran

JUDGMENT

Heard the learned counsel on either side.

2.This appeal has been filed by the department questioning the award dated 19.06.2012 made in M.C.O.P No.15 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge's Court, Thanjavur on the ground of negligence as well as the quantum.

3.This is a case an ambulance driver causing the accident. F.I.R was registered against the ambulance driver. The Tribunal after consideration of the materials on record, came to the conclusion that the ambulance driver was at fault. There is no credible material to take a different view. I sustain the said finding.



4.The claimant had suffered injuries. He had spent a sum of Rs.35,000/- on treatment alone. Though the Tribunal erred in calculating the compensation by applying multiplier method, it is seen that the amount finally awarded cannot be said to be excessive. PW.2 doctor has deposed to the effect that the claimant has suffered 39% disability. For this alone, the claimant would be entitled to a sum of Rs.1,17,000/-. The compensation awarded under other heads cannot be said to be excessive. If they will have reworked, it come to the very same figure. Thus, the net result will be the same even if this Court adopts different method of quantifying the compensation.

5.There is no reason to interfere with the award passed by the Tribunal. This appeal is without any merit. The award dated 19.06.2012 made in M.C.O.P No.15 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge's Court, Thanjavur is confirmed.

6.The appellants are directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realization, and costs, 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 by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

7.The Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

To
The Motor Accidents Claims Tribunal,
Principal Subordinate Judge's Court, Thanjavur

Copy to:-
The Record Keeper,
Madurai Bench of Madras High Court, Madurai.

+One cc to The Special Government Pleader, SR.No.86226
+One cc to Mr.D.Veerasekaran, Advocate, SR.No.86117

SKM

RL/5C/2P/MR/KKR/SAR4/28/11/2017

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