



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.459 of 2016

and

CMP(MD)No.5961 of 2016

and

Cros.Obj(MD)No.15 of 2016

The General Manager  
Tamil Nadu State Transport Corporation,  
Periyamilaguparai,  
Collector's Office Road,  
Tiruchirappalli.

... Appellant in  
CMA(MD)No.459 of 2016 &  
... Respondent in  
Cros.Obj(MD)No.15 of 2016

**Vs.**

K.Elangovan

... Cross Objector in  
in Cros.Obj(MD)No.15 of 2016  
& Respondent in  
CMA(MD)No.459 of 2016

**Prayer:** CMA(MD)No.459 of 2016 is filed under Section 173 of Motor Vehicles Act, 1988 and Cros.Obj(MD)No.15 of 2016 is filed Under Order 41 Rule 22 of CPC against the judgment and decree dated 11.12.2015 made in M.C.O.P.No. 340 of 2014 on the file of Special District Court, Motor Accidents Claims Tribunal, Thanjavur.

For Appellant/  
Respondent in  
Cross Objection

: Mr.D.Sivaraman

For Respondent/  
Cross Objector

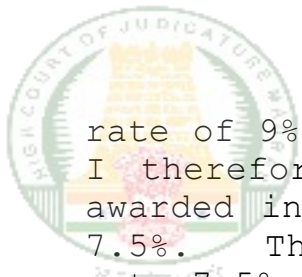
: Mr.N.Tamil Mani

### **JUDGMENT**

Heard the learned counsel for the parties.

2.The Transport Corporation has filed CMA(MD)No.459 of 2016 questioning the impugned award primarily on the ground of quantum. The injured claimant has filed Cross Objection (MD)No.15 of 2016.

3.This is a case of amputation of leg. The accident had taken place in the year 2013. The monthly income should have been taken as Rs.6,000/-. The Tribunal after applying the correct parameters, awarded a sum of Rs.8,30,200/- with interest at the



rate of 9% per annum. This is a fair and reasonable compensation. I therefore find no merit in this appeal. But, the Tribunal awarded interest at the rate of 9% per annum instead of awarding 7.5%. This Court has been consistently awarding interest at the rate 7.5% per annum only.

WEB COPY

4. Therefore, except the modification of interest alone, the award dated 11.12.2015 made in 340 of 2014 on the file of Special District Court, Motor Accidents Claims Tribunal, Thanjavur is confirmed.

5. The Tamil Nadu State Transport Corporation is directed to deposit a sum of Rs.8,30,200/- 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.

5. In the result, CMA(MD)No.459 of 2016 is partly allowed. Cross Objection (MD)No.15 of 2016 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(SAR-I)

To

1. The Special District Judge,  
Motor Accidents Claims Tribunal, Thanjavur.
2. The Record Keeper, V.R.Section, (2 copies)  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.Tamil Mani, Advocate Sr.No.93710  
+1cc to Mr.D.Sivaraman, Advocate Sr.No.93642

SKM

VB/PN/SAR1/24.07.2018/2P/6C

**CMA (MD) No.459 of 2016  
and**

**CMP (MD) No.5961 of 2016  
and**

**Cros.Obj (MD) No.15 of 2016  
19.12.2017**