



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.519 of 2015

and

M.P(MD)No.2 of 2015

State Express Transport Corporation,
Through its Managing Director,
Pallavan Salai, Chennai.

... Appellant/Respondent

VS

Shunmugaraj

... Respondent/Petitioner

Prayer: Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 11.03.2014 in M.C.O.P.No.517 of 2013 on the file of the Motor Accident Claims Tribunal / Special Sub Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran

For Respondent : No appearance

J U D G M E N T

State Express Transport Corporation has filed this Civil Miscellaneous Appeal challenging the award dated 11.03.2014 made in MCOP.No.517/2013 on the file of Motor Accident Claims Tribunal / Special Sub Court, Tirunelveli.

2.The respondent herein filed the said petition seeking compensation for the damage of the vehicle in an accident that took place on 23.10.2012. The claimant sought a sum of Rs.2,00,000/-. The Tribunal awarded a sum of Rs.1,06,985/- with interest at the rate of 9% per annum. Aggrieved by the same, this appeal has been filed.

3.The Tribunal rightly fixed the entire negligence on the driver employed by the appellant corporation. There is no reason to interfere with the said finding. As regards the quantum of compensation, the value of the spare parts and the repair charges alone have been awarded after giving due credit to the depreciation aspect. Towing charges have also been rightly



quantified and the sum of Rs.1,06,985/- has been awarded as compensation. This cannot be said to be excessive.

4.However, the Tribunal ought to have awarded only 7.5% as interest instead of 9%. Interest rate awarded by the Tribunal alone deserves to be modified. In other respects, the award is confirmed. The rate of interest awarded by the Tribunal is reduced from 9% to 7.5% per annum. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal
Tirunelveli.

Copy to

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.82349

SKM

VB/SKN/RSK/SAR2/30.10.2017/2P/4C

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