



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.572 of 2015

and

MP(MD)No.2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Manakari Salai, Karaikudi. ... Appellant

Vs.

Minor Annamalai,
Rep.by his father &
Guardian Chellaiah ... Respondent

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 30.09.2011 made in M.C.O.P.No.304 of 2011 on the file of Motor Accidents Claims Tribunal, Additional District & Sessions Judge, FTC, Pudukkottai.

For Appellant : Mr.D.Sivaraman

For Respondent : No appearance.

JUDGMENT

The appellant transport corporation has filed this Civil Miscellaneous Appeal questioning the award dated 30.09.2011 made in M.C.O.P.No.304 of 2011 on the file of Motor Accidents Claims Tribunal, Additional District & Sessions Judge, FTC, Pudukkottai on the ground of quantum.

2.The claimant was riding a bicycle on 05.10.2009 in Keeranur to Pudukkottai main road when the bus belonging to the appellant corporation dashed against it and caused the accident in question. Crime No.200 of 2009 was registered against the bus driver employed by the appellant corporation in this regard. The rider suffered injuries on his head and right thigh. For 7 days, the claimant took treatment as an inpatient. A sum of Rs.50,000/- was spent towards medical expenses alone. Considering the facts and circumstances, the Tribunal awarded a sum of Rs.94,054/- as compensation with interest. By no stretch of imagination can this be said to be excessive, I find no merit in this appeal.



3.The order dated 30.09.2011 made in M.C.O.P.No.304 of 2011 on the file of Motor Accidents Claims Tribunal, Additional District & Sessions Judge, FTC, Pudukkottai is confirmed.

4.The appellant corporation is 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 On such deposit being made, the claimant is permitted to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
Additional District & Sessions Judge, FTC, Pudukkottai

2.The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.D.Sivaraman, Advocate SR.No. 87428

C.M.A. (MD) No.572 of 2015
and
MP (MD) No.2 of 2015
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