



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.67 of 2016

and

C.M.P.(MD).Nos.1232 of 2016 and 11124 & 1125 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Division IV, Thirumayam Road,
Pudukkottai.

... Appellant/1st Respondent

Vs.

1. Thomas Gladious Vinoth

...1st Respondent /Petitioner

2. The Commissioner,
Municipal Corporation,
Tirunelveli.

...2nd Respondent/ 2nd Respondent

3.The Manager,
New India Assurance Company Ltd.,
No.182/22, L.S.N.High Road,
Tirunelveli-627 001.

... 3rd Respondent/3rd Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli in M.C.O.P.No.689 of 2013 dated 01.07.2015.

For Appellant : Mr.D.Sivaraman

For Respondent No.1 : Mr.M.Saravanan

For Respondent No.2 : Mr.Aayiram K.Selavakumar

For Respondent No.3 : Mr.M.S.Suresh Kumar

JUDGMENT

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Transport Corporation has filed this appeal questioning



the impugned award on the ground of quantum.

3.The first respondent is the injured claimant. He was working as a Contract labour in Akash Associates. He was fixing campus post bulbs for Tirunelveli Municipal Corporation. When they were engaged in their work, the vehicle belonging to the appellant Corporation caused the accident in question on 09.05.2006.

4.In the resulting accident, the claimant suffered spinal fractures. He was an in patient from 09.05.2006 to 22.05.2006. He cannot attend to his normal avocation anymore.

5.Considering the gravity of injury suffered by the claimant, a sum of Rs.8,58,917/- was awarded by the Tribunal. By no stretch of imagination, can this be said to be excessive. There is no merit in this Civil Miscellaneous Appeal.

6.The award dated 01.07.2015 made in M.C.O.P.No.689 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli is confirmed.

7.The appellant transport Corporation is directed to deposit the award amount of Rs.8,58,917/- (Rupees Eight Lakhs Fifty Eight Thousand Nine Hundred and Seventeen only) with interest at the rate of 7.5% per annum and costs, from the date of petition till date of realization, within a period of twelve 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 the Tribunal, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

8.This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

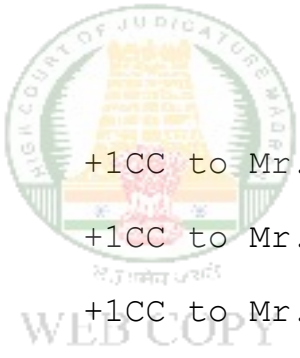
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Sub Assistant Registrar

To

1.The Special District Court,
The Motor Accident Claims Tribunal,
Tiruchirapalli.

2.The Record Keeper,
VR.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)



+1CC to Mr.D.Sivaraman, Advocate in SR.No.92542.

+1CC to Mr.R.Subramanian Advocate in SR.No.92541.

+1CC to Mr.Aayiram K.Selvakumar Advocate in SR.No.92565.

+1CC to Mr.M.S.Sureshkumar Advocate in SR.No.92354.

TSG

DS/SV-MMS/SAR-3 :29.06.2018: 3P/8C

C.M.A. (MD) No.67 of 2016
12.12.2017