



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 603 of 2015

and

M.P.No.2 of 2015

Tamil Nadu State Transport Corporation Ltd.,
Through its Managing Director,
Pallavan Salai,
Chennai.

... Appellant/Respondent

vs

V.Shanthi

...Respondent/Petitioner

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.797 of 2004 dated 17.06.2014 the file of the Motor Accident Claims Tribunal/IV Additional Sub Court, Madurai.

For Appellant

: Mr.P.Prabhakaran

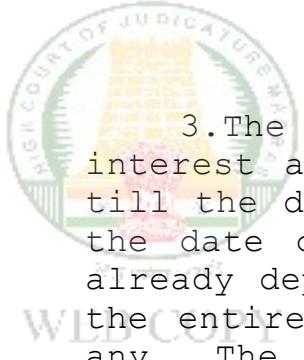
For Respondent

: No Appearance

JUDGMENT

The Transport Corporation has filed the appeal challenging the impugned award made in M.C.O.P.No.797 of 2004 dated 17.06.2014 on the file of the Motor Accident Claims Tribunal/IV Additional Sub Court, Madurai.

2.The respondent was travelling in the bus belonging to the appellant transport corporation as a passenger. In the accident that took place on 30.10.2003, the Claimant suffered grievous injury. The tribunal rightly fixed entire negligence on the driver employed in the appellant corporation. Even though the Doctor has issued the certificate certifying that the claimant suffered 68% partial permanent disability, the Tribunal awarded a sum of Rs.1,78,000/-.This Court is of the view that the said award amount cannot be said to be excessive. There is no merit in the appeal.



3. The appellant is directed to pay the said award amount with interest at 7.5% per annum with costs from the date of petition till the 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. The claimant is permitted to withdraw the entire amount, less the amount already withdrawn by her, if any. The award made in M.C.O.P.No.797 of 2004 dated 17.06.2014 on the file of the Motor Accident Claims Tribunal/IV Additional Sub Court, Madurai is confirmed. This Civil Miscellaneous Appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The IV Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Madurai.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.84528

CP

VB/MR/KKR/SAR3/13/12/2017/2P/4C

**JUDGMENT MADE IN
C.M.A. (MD) No.603 of 2015
31.10.2017**