



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.751 of 2015

and

MP(MD) No.2 of 2015

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

... Appellant

Vs.

Sankarapoo

... Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 09.07.2014 made in MCOP.No.915 of 2013 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tirunelveli.

For Appellant	: Mr.P.Prabhakaran
For Respondent	: No appearance.

JUDGMENT

The State Express Transport Corporation Limited has filed this appeal on the ground of quantum.

2.The respondent herein was travelling in a bus belonging to the appellant corporation on 16.01.2009 at about 09.00 a.m when the bus dashed against him. As a result, the respondent suffered injuries. The Tribunal has held that the accident that took place on account of the rash and negligent driving of the driver employed by the appellant corporation.

3.The Tribunal has awarded a sum of Rs.2,02,000/- as compensation. The respondent had suffered fractures in his limbs and suffered partial and permanent disability. Therefore, he had been out of his avocation for six months. Considering all these aspects, the Tribunal awarded the said sum. It cannot be said to be excessive. However, the Tribunal awarded interest at the rate of 9%. This Court has consistently been awarding interest at the rate of 7.5% per annum.



4. Therefore, the award dated 09.07.2014 made in MCOP.No.915 of 2013 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tirunelveli is modified in respect of the interest portion.

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5. The appellant transport corporation is directed to deposit a sum of Rs.2,02,000/- 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 On such deposit, the claimant is permitted to withdraw the said amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. The appellant corporation is permitted to withdraw the balance amount of compensation, if any.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

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

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

+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 86487

skm

AE/KP/SAR3/05.12.2017/2P/4C

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