



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.708 of 2016

and

CMP (MD) Nos.7239 of 2016 and 9465 of 2017

The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pillai Thanneer Pandal,
Thirumayam Road,
Pudukkottai.

... Appellant/Respondent

Vs.

Ganesan

... Respondent/Petitioner

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgment and decree dated 02.09.2015 made in M.C.O.P.No.396 of 2014 on the file of Motor Accidents Claims Tribunal, Additional District Court, Pudukkottai.

For Appellant : Mr.D.Sivaraman

For Respondent : Mrs.A.Banumathy

JUDGMENT

The appellant transport corporation has filed this Civil Miscellaneous Appeal questioning the award dated 02.09.2015 made in M.C.O.P.No.396 of 2014 on the file of Motor Accidents Claims Tribunal, Additional District Court, Pudukkottai on the ground of quantum.

2.The claim was filed by the injured claimant. He was a Mason. The claimant was riding a two wheeler. It got involved in an accident on account of the rash and negligent driving of the driver of the bus belonging to the appellant Corporation. The claimant suffered amputation in the right leg. Therefore, this was a case of functional disability. The accident took place in the year 2014. Even though income proof was not furnished, the monthly income was rightly taken as Rs.6,500/-. Correct



multiplier was adopted. It is seen that the Tribunal awarded damages on all the permissible heads. A sum of Rs.9,91,000/- with interest was awarded as compensation. By no stretch of imagination can this be said to be excessive. I find no merit in this appeal.

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3.The award dated 02.09.2015 made in M.C.O.P.No.396 of 2014 on the file of Motor Accidents Claims Tribunal, Additional District Court, 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 On such deposit being made, the claimant is permitted to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.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. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Judge,
Motor Accidents Claims Tribunal,
Additional District Court, Pudukkottai.

Copy to:

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

+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 88082

Arul

AE/SKN RSK/SAR2/14.12.2017/2P/4C

**C.M.A. (MD) No.708 of 2016
and**

**CMP (MD) Nos.7239 of 2016 and 9465 of 2017
15.11.2017**