



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.1907 of 2013

and

M.P(MD)No.1 of 2013

The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathy Nagar,
Karaikudi Town,
Sivagangai District.

... Appellant/Respondent

vs.

Sasitharan

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 09.04.2013 passed in MCOP.No.13 of 2012 on the file of the Motor Accident Claims Tribunal/Sub Court, Paramakudi.

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

JUDGMENT

It is the case of injury caused on account of the accident took place on 01.11.2011 around 08.30 a.m on Nallangudi main road. The injured filed an application before the Motor Accident Claims Tribunal, Sub Court, Paramakudi, and the Tribunal considering the facts and circumstances of the case, awarded Rs.4,28,792/- as total compensation with interest at 7.5% per annum. The present appeal is filed by the appellant/insurance company, challenging the award passed by the Tribunal, on the ground that the quantum of compensation awarded by the Tribunal is excessive, in view of the fact that Rs.2,000/- was fixed for 1% disability. Therefore, the procedure adopted by the Tribunal requires re-consideration and the quantum of compensation is to be reduced.

2.On reading of the findings of the Tribunal, the factum of the case is that the respondent/claimant was aged about 33 years and further, he was working as a teacher under the control of the Chief Educational Officer, Ramanathapuram. Such being the facts of the case, this Court is not inclined to reconsider the quantum of compensation fixed by the Tribunal and accordingly, the impugned award is confirmed.



3. The appellant insurance company is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already and thereafter, the respondent/claimant, is permitted to withdraw the same, through RTGS, by filing necessary applications before the Tribunal.

In the result, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1 The Subordinate Judge,
Motor Accident Claims Tribunal,
Paramakudi.

2 The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.78390

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CMA (MD) No.1907 of 2013
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