



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.07.2018**

**CORAM**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**C.M.A (MD) .No.21 of 2018**

**and**

**C.M.P. (MD) No.253 of 2018**

Tamil Nadu State Transport Corporation

Madurai Division,

Bye-Pass Road, Madurai.

Rep. by its Managing Director

... Appellant / 2<sup>nd</sup> Respondent

Vs.

1. Sankaran

... 1<sup>st</sup> Respondent / Petitioner

2. Managing Director,

Tamil Nadu State Transport Corporation Ltd.,

Madurai Division 2,

Vannarpettai,

Tirunelveli

... 2<sup>nd</sup> Respondent / 1<sup>st</sup> Respondent

[R.2 - Given up]

**PRAYER:-** Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 08.11.2005, made in M.C.O.P.No.1333 of 2002 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Tirunelveli.

For Appellant : Mr.R.Janakiramulu

For R.1 : Mr.D.Selvanayagam

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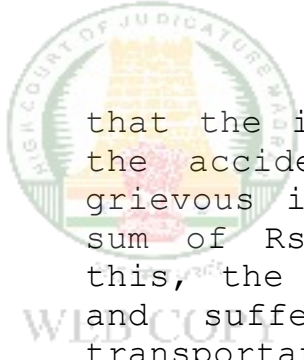
**JUDGMENT**

This civil miscellaneous appeal has been filed challenging the award passed by the learned Principal District Judge, Motor Accidents Claims Tribunal, Tirunelveli, in M.C.O.P.No.1333 of 2002 dated 08.11.2005.

2. Heard both sides and perused the records carefully.

3. It is a case of injury and the Tribunal has awarded a sum of Rs.37,000/- as compensation. Aggrieved over the compensation awarded by the Tribunal, the transport Corporation is on appeal before this Court. Though several grounds are raised in the memorandum of grounds, the learned Counsel appearing for the appellant/Corporation would lay emphasize only on the ground of quantum.

4. The mode of accident, which occurred in the year 2000, as well as the liability are not disputed. Perusal of record shows



that the injured was working as a loadman and in consequence to the accident in question, he sustained several fractures and grievous injuries, for which, 30% disability was assessed and a sum of Rs.30,000/- was awarded towards disability. Other than this, the Tribunal has awarded a sum of Rs.5,000/- towards pain and sufferings and Rs.2,000/- towards other heads, viz., transportation, nourishment, damage to vehicle and thereby, awarded a sum of Rs.37,000/- as overall compensation, which, in my considered opinion, is very very reasonable. Going by the facts of the case and after perusing the entire records carefully, this Court is of the considered opinion that the award passed by the Tribunal is very reasonable and therefore, the same does not warrant any interference at the hands of this Court.

5. Since the sole ground, on which the appellant/Corporation has preferred this appeal, lack merits, the appeal is liable to be dismissed and the same is accordingly dismissed. The award passed by the Tribunal in M.C.O.P.No.1333 of 2002 dated 08.11.2005, is hereby confirmed. The appellant Corporation is directed to deposit the entire award amount, with accrued interest at the rate of 7.5% and costs, within a period of three weeks from the date of receipt of a copy of this judgment. On such deposit being made, the claimant is permitted to withdraw the same, with accrued interest and costs, without filing any formal petition. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(SAR-II)

To

The Principal District Judge,  
Motor Accidents Claims Tribunal,  
Tirunelveli.

+1cc to Mr.D.Selvanayagam, Advocate Sr.No.72186

GK

VB/SKN/SAR2/25.07.2018/2P/3C

**C.M.A(MD) .No.21 of 2018**  
**10.07.2018**