



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A(MD)No.1140 of 2018

and

C.M.P. (MD)No.11672 of 2018

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi

... Appellant/Respondent

Vs.

James Mary

... Respondent/Petitioner

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the award and decree made in M.C.O.P.No.23 of 2014 dated 07.03.2018 on the file of the Motor Accident Claims Tribunal/Sub Court, Ramanathapuram.

For Appellant : Mr.P.Prabhakaran

For Respondent : Mr.J.M.Hassanul Bazari

J U D G M E N T

This appeal is filed by the Tamil Nadu State Transport Corporation challenging the quantum of compensation awarded by the Tribunal.

2. The brief facts of the case are that in a fatal accident that took place on 28.11.2012, the bus belonging to the appellant Transport Corporation bearing Registration No.TN 63 N 0921 ran over the left foot of the respondent.

3. Claiming compensation of Rs.2,00,000/-, the respondent has approached the Tribunal. The Tribunal has awarded a sum of Rs.1,21,500/- payable with interest at 7.5.% p.a. For arriving at this sum, the Tribunal has fixed the notional income of the respondent at Rs.4,500/- and the Tribunal awarded a sum of Rs.75,000/- towards permanent disability and awarded a sum of Rs.20,000/- on the head of pain and suffering. Including other heads of compensation, the total compensation amount was arrived at Rs.1,21,500/-. This is now under challenge.

4. The only contention taken by the learned counsel for the appellant/Transport Corporation is that the respondent/claimant has suffered injuries in some other accident.



5.This Court perused the entire materials and does not find any material to support the case of the Transport Corporation. Hence, this Court does not find any merit in this appeal and the same is dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, to the credit of M.C.O.P.No.23 of 2014, on the file of Motor Accidents Claims Tribunal, Sub Court, Ramanathapuram within a period of eight weeks from the date of receipt of a copy of this order. Wherein after, the claimant is permitted to withdraw the entire Award amount with interest and costs. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg-2

To

1.The Sub Judge, Motor Accident Claims Tribunal,
Ramanathapuram.

2.The Section Officer-2 copies
V.R.Section, Madurai Bench of Madras High Court,
Madurai .

+1 cc to Mr.P.Prabhakaran , Advocate SR.No.24074

+1 cc to Mr.J.M.Hassanul Bazari , Advocate SR.No.23945

C.M.A(MD)No.1140 of 2018

03.12.2020

KM (09.03.2021) 2P 6C