



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

C.M.A. (MD) .No.472 of 2021

and

C.M.P. (MD) No.4114 of 2021

WEB COPY

The Manager,
Tamil Nadu State Transport Corporation,
Having office at
Railway Station Road,
Kumbakonam.

... Appellant/Respondent

Vs.

Ajaygokulan

... Respondent/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988 to set aside the order passed in M.C.O.P.No.99 of 2019 dated 15.11.2019 on the file of the MACT (Special District Court), Thanjavur.

For Appellant : Mr.P.M.Vishnuvarthanan

O R D E R

The Transport Corporation is the appellant in the present appeal. Challenging the award passed by the Motor Accident Tribunal fixing the compensation payable to the respondent at Rs.3,78,092/- with interest at the rate of 7.5% from the date of filing of the claim petition, this appeal is filed.

2. The learned counsel for the appellant submitted that there was negligence on the part of the respondent and even the Tribunal has found that the respondent has also contributed towards the accident. The learned counsel further submitted that the respondent was not driving the vehicle with a valid driving licence. It was further submitted that the Tribunal had fixed an exorbitant amount as compensation and the same is liable to be interfered by this Court.

3. It is seen from the records that the respondent is a student, who is undergoing MBBS Course. The Tribunal, on appreciation of evidence, has found that the respondent has also been negligent and hence, deducted 10% out of the total award determined towards contributory negligence. The Tribunal has taken into consideration the disability certificate and fixed the compensation at 38% under the head of disability compensation. The other heads under which the Tribunal has fixed the compensation are reasonable and this Court does not find any illegality or infirmity in the award passed by the Tribunal. The discussion made by the Tribunal at paragraph No.11 of the award shows that the Tribunal has found the respondent to be negligent and has fixed the award fixed by the Tribunal and this Court is

not inclined to interfere with the award.

4. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. In view of the dismissal of this appeal, the appellant/Transport Corporation is directed to deposit the remaining compensation amount with 7.5% interest as per the award within a period of eight weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The MACT(Special District Court),
Thanjavur.

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-18645[F] dated
02/06/2021)

Order made in
C.M.A.(MD).No.472 of 2021 and
C.M.P.(MD) No.4114 of 2021

Dated:
01.06.2021

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