



C.M.A(MD)No.476 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 07.02.2024

CORAM:

THE HON'BLE MR.JUSTICE P. DHANABAL

C.M.A(MD)No.476 of 2013

and

M.P(MD)No.1 of 2013

The Managing Director,
M/s.Tamil Nadu State Express Transport
Corporation Limited,
Chennai.

... Appellant/2nd Respondent

Vs.

1.Raju	... 1st Respondent/Petitioner
2.Sivaperumal	... 2nd Respondent/1st Respondent
3.Venkatesan	... 3rd Respondent/3rd Respondent
4.Balasubramanian	... 4th Respondent/4th Respondent

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment, dated 22.12.2006 made in M.C.O.P.No.11 of 2005 on the file of the Motor Accident Claims Tribunal, Kuzhithurai.

For Appellant : Mr.M.Prakash



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For R-1

: Mr.N.S.Rama Krishna Dass

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JUDGMENT

When the matter is taken up for hearing today, the learned Counsel appearing for the appellant represented that the main contesting respondent is the first respondent and the second and third respondents are only formal parties. Hence, as against the third respondent he is given up. Further, the learned Counsel appearing for the appellant fairly conceded that the appeal is filed as against the quantum of compensation awarded by the Tribunal and now, he is only disputing the rate of interest awarded 12% per annum and now to pray to reduce the interest amount from 12% to 7.5%.

2. The learned Counsel appearing for the first respondent objected to reduce the interest from 12% to 7.5%. Though the appeal has been preferred as against the quantum of the award amount passed by the Tribunal, the learned Counsel appearing for the appellant restricted his claim only in respect of the interest alone. Considering the date of accident and considering that the petition is pending from 2005, it is appropriate to



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consider the arguments of the appellant. The Tribunal has awarded 12% interest based on the interest prevailing with contemporary period of accident. Considering the facts and circumstances, it is appropriate to reduce the rate of interest from the date of numbering the appeal till the realization of the amount.

3. In view of the above said discussions, this Court is inclined to reduce the interest from 12% to 7.5% from the date of numbering the appeal till the realization of the amount. In other aspects, the award passed by the Tribunal in M.C.O.P.No.11 of 2005, dated 22.12.2006 on the file of the Motor Accident Claims Tribunal, Kuzhithurai is confirmed.

4. In the result, this Civil Miscellaneous Appeal stands partly allowed and the award passed by the Tribunal is modified to the effect that the petitioner is entitled to a sum of Rs.2,63,150/- with interest at the rate of 9% from the date of petition to the date of numbering the appeal and from the date of numbering the appeal till the realization of the amount entitled to 7.5% interest. The appellant / second respondent is directed to deposit the entire amount within two months from the date of this



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judgment. After deposit of the above said amount, the petitioner is at liberty to withdraw the appeal by filing appropriate application. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Motor Accident Claims Tribunal,
Kuzhithurai.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

BTR

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