



C.M.A(MD)No.259 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.259 of 2022

and

C.M.P.(MD).No.2442 of 2022

M/s.Tamilnadu State Transport Corporation Limited,
Represented by its Managing Director,
No.23/2, Thoothukudi Road,
Vannarapettai, Tirunelveli.

... Appellant

Vs.

1.M.Kasthuri
2.N.Manikandan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the award and decreetal order, dated 06.09.2021, passed in M.C.O.P.No.261 of 2015, on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi.

For Appellant	: Mr.R.Rajamohan
For R1	: Mr.D.Srinivasaragavan
For R2	: No Appearance

JUDGMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal on liability and quantum.



C.M.A(MD)No.259 of 2022

WEB COPY

2. It is a case of injury. While travelling in a two-wheeler, the husband and wife met with an accident. The Learned Counsel for the 1st respondent vehemently opposed for interfering in the liability stating that the husband and wife filed separate claim petitions and the liability was fixed on the Transport Corporation in both cases but the Transport Corporation has not preferred appeal against the order passed in the husband's case, therefore, they cannot contend to interfering in the liability portion in the wife's case alone. Accepting the respondent's contention, this Court is confirming the liability fixed on the Transport Corporation.

3. As far as the compensation is concerned, the Tribunal has granted compensation under the multiplier method as well as on the disability method. For a same injury, two compensations cannot be granted. The Tribunal has granted Rs.1,50,000/- under the head of 30% disability, therefore, this Court is deducting the said Rs.1,50,000/- which was granted under the head of 30% disability alone and the compensation granted by the Tribunal under the other heads are confirmed. Thus, the total compensation granted by the Tribunal, i.e., Rs.6,68,855/- is reduced to Rs.5,18,855/- by this Court.



C.M.A(MD)No.259 of 2022

WEB COPY

4.The appellant Transport Corporation is directed to deposit Rs.5,18,855/- with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal.

5. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Tmg

To

1.Motor Accident Claims Tribunal /
(Principal Sub Court), Tenkasi.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.259 of 2022

S.SRIMATHY, J.

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C.M.A(MD)No.259 of 2022

11.03.2024