



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1135 of 2021

and

C.M.P(MD)No.10938 of 2021

The Tamil Nadu State Transport
Corporation Limited,
Bye Pass Road,
Madurai - 16,
Through its the Managing Director.

... Appellant

Vs.

Vadivelu

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under section 47 of the Guardian and Wards Act, to set aside the Order, dated 18.02.2020 passed in M.C.O.P. No. 362 of 2015 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Madurai.

For Appellant : Mr.K.Sudalaiyandi

For Respondent : M/s.Sharath Madhav

JUDGEMENT

This Civil Miscellaneous Appeal is filed, to set aside the Order, dated 18.02.2020 passed in M.C.O.P. No. 362 of 2015 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Madurai.



2. It is a case of injury. The claimant underwent operation in knee.

The contention of the Transport Corporation is that the injured has produced a salary certificate, however, the same has not been substantiated by producing evidence. It is seen that the claimant had not substantiated through any witness, therefore this Court is inclined to interfere with the impugned order.

3. The next contention of the Transport Corporation is that the injured has sustained 60% disability, but the Tribunal has applied multiplier method, which is erroneous. This Court is of the considered opinion that the said contention cannot be accepted. Since over and above 50% disability then the multiplier method may be applicable and the same is based on the facts and circumstances of each case. And in the present case the Tribunal has rightly applied multiplier method based on the evidence.

3. The Transport Corporation further submitted that the claimant had claimed only Rs.15,00,000/-, however, the Tribunal has awarded a sum of Rs.22,23,000/-, as total compensation which is over and above the claimed amount.



4. For the reasons stated supra, this Court is reducing the amount from Rs.22,23,000/- to Rs.20,00,000/-.

5. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The Transport Corporation is directed to deposit a sum of Rs.20,00,000/-, as compensation with 7.5% interest along with Costs, within a period of 12 weeks, from the date of receipt of copy of the order, less the amount if already deposited. However, the claimant is entitled 50% of the interest alone. On such deposit being made, the claimant is permitted to withdraw the same, as per law. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA



WEB COPY

To

1. The Motor Accident Claims Tribunal/
(Special Sub Court), Madurai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

Order made in
C.M.A(MD)No.1135 of 2021

26.03.2024