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C.M.A.(MD)NO.126 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.M.A.(MD)No.126 of 2022 AND
C.M.P.(MD)No.1135 of 2022

M/s.Tamilnadu State Transport Corporation Ltd.,
Rep. by its General Manager,
Ranithottam, Nagercoil,
Kanyakumari District.

... Appellant / Respondent

Vs.

1. Saraswathi

2. Satheesh

... Respondents / Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to call for the records relating to the order and decreetal order dated 05.02.2020 passed in M.C.O.P.No.292 of 2018 by the Motor Accident Claims Tribunal(Special Sub Court dealing with MCOP Cases), Tirunelveli and to set aside the same.

For Appellant : Mr.R.Rajamohan

For Respondents : M/s.V.Sasikumar

* * *

**ORDER**

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The Transport Corporation has preferred this appeal on the issue of quantum alone.

2. The contention of the Transport Corporation is that the Tribunal has taken the notional salary as Rs.8,000/- per month. The deceased was working as a mason.

3. This Court is of the considered opinion that the minimum salary of Rs.8,000/- is fixed for any person without any evidence and for a mason, the notional salary of Rs.8,000/- is an appropriate amount. Since the accident has occurred in the year 2016, this Court is not entitled to interfere with the impugned award.

4. It is stated by the learned counsel appearing for the appellant that the appellant herein has already deposited the entire amount. The claimants are at liberty to withdraw the same. This civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The Motor Accident Claims Tribunal
(Special Sub Court dealing with
MCOP Cases),
Tirunelveli.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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