

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2642 of 2015

1.Munusamy (Died)

2.Selvi

3.Varath

4.Bhavani

5.Sangeetha

... Appellants/Petitioner

(Petitioners 2 to 5 were impleaded
as per Order in I.A.No.1318 of 2011
dated 12.1.2012)

vs.

1. OMR Travel Access Pvt.Ltd.,
No.2/62, Gowri Thangaraj Street,
Navalur, Chennai - 603 103.

2.ICICI Lombard General Insurance Co.,
No.84/85, Waltax Road, Aiant Towers,
1st Floor, Chennai - 03. ...

Respondents/Respondents

(First respondent set exparte in lower Court)

Civil Miscellaneous Appeal filed under Section 173
Motor Vehicles Act, 1988 against the Judgment and decree dated
18.12.2013 passed in M.C.O.P.No.331 of 2010, on the file of the
Motor Accident Claims Tribunal/III Additional District Court,
Poonamallee.

For Appellants : Mr.K.Varadha Kamaraj

JUDGMENT

This Appeal is directed against the Judgment and
decree dated 18.12.2013 in M.C.O.P.No.331 of 2010 passed by the
Motor Accident Claims Tribunal/III Additional District Court,
Poonamallee, awarding a sum of Rs.28,000/- with interest and
costs for the injuries suffered by the victim holding that the
victim died after 18 months from the date of accident that took
place on 23.3.2010 and that cannot be mixed up with accident.

2. Aggrieved over the quantum of compensation, the claimants / appellants have filed the Appeal challenging the correctness of the findings and the conclusion reached by the Tribunal in awarding only a sum of RS.28,000/- along with interest and costs for the injuries suffered by the victim (first appellant deceased) at the time of the accident as against the claim of Rs.10,00,000/-.

3. The learned counsel appearing for the appellants would submit that on 23.3.2010 at about 7.40 p.m., when the victim, Munusamy, was walking along with Poonamallee high Road at Maduravoyal Village, near Nellai Motors, the first respondent's Bus bearing Reg.No.TN 19A 3102 which was driven by its driver rashly and negligently from West to East, dashed the victim and as a result, he sustained lacerated wound in right forehead and also left fore head, abrasion on the left cheek and abrasion in both knees along with the injuries all over the body, for which he took treatment at Government General Hospital, Chennai, as an inpatient from 23.3.2010 to 28.3.2010 and was discharged from the hospital. Even after discharge from the hospital, he was taking treatment. Thereafter, he died on 31.10.2011. Therefore, according to the learned counsel appearing for the appellants, the victim died consequent to the injuries suffered by the claimant at the time of the accident and hence, he would pray for enhancement of the award.

4. This Court is unable to see any merit in the Appeal. The reason is, admittedly, the victim Munusamy, aged about 50 years, met with an accident on 23.3.2010 at Poonamallee High Road at Maduravoyal Village, near Nellai Motors, when the the first respondent's Bus bearing Reg.No.TN 19A 3102 which was driven by its driver rashly and negligently from West to East direction, dashed him and as result, he sustained injuries. He was treated as inpatient from 23.3.2010 to 28.3.2010 as per Discharge Summary Ex.P.2. Thereafter, he died on 31.10.2011, after 18 months from the accident. Though the claimants claimed that the victim, Munusamy was taking continuous treatment even after discharge from the hospital i.e.28.3.2010, no material was produced by the claimants to show that the said Munusamy was taking continuous treatment even after discharge from the hospital. Ex.P.2 Discharge Summary reveals that the said Munusamy sustained lacerated wound and abrasions only. Therefore, the Tribunal rightly came to the conclusion that the said Munusamy did not die due to his injuries after 18 months from the date of accident. The Tribunal further held that the said Munusamy died due to some other reasons and not due to the injuries caused in the accident. Hence, this Court is also unable to find any infirmity in the said finding. As no other argument was advanced by the learned counsel for the appellant to take a different view, the Appeal is liable to be dismissed.

5. Accordingly, the Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

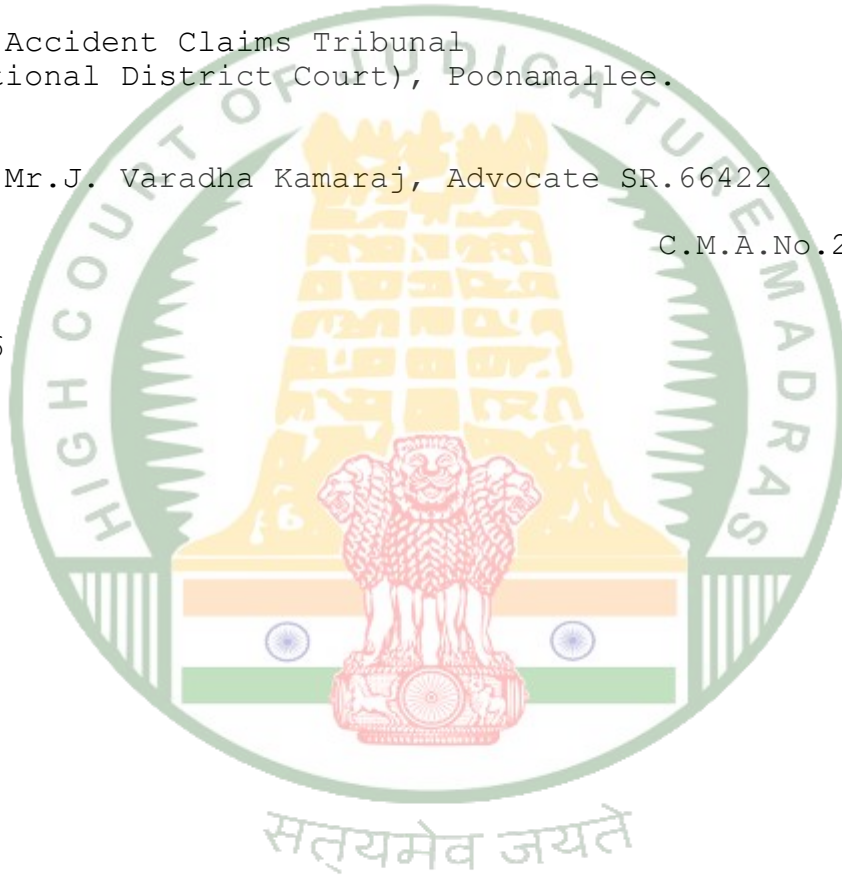
asvm

To
The Motor Accident Claims Tribunal
(III Additional District Court), Poonamallee.

+ 1 cc to Mr.J. Varadha Kamaraj, Advocate SR.66422

C.M.A.No.2642 of 2015

TEJ(CO)
EU 2.02.16



WEB COPY