



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.12.2016

Coram:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.300 of 2014
and
M.P(MD).No.2 of 2014

The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam.

.. Appellant/Respondent

-Vs-

B.Valarmathi

.. Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and to set aside the Judgment and Decree dated 21.02.2013, passed in M.C.O.P.No.1408 of 2011, on the file of the Motor Accident Claims Tribunal/I-Additional District and Sessions Court(PCR), Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.D.Veerasekaren

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree dated 21.02.2013, passed in M.C.O.P.No.1408 of 2011, on the file of the Motor Accident Claims Tribunal/I-Additional District and Sessions Court(PCR), Thanjavur.

2. It is a case of an injury caused on account of the accident took place on 03.10.2011, around 2.30 p.m. near Thanjavur Old Bus Stand to Perumakkanallur main road. The injured filed a claim petition seeking compensation before the Motor Accident Claims Tribunal/I-Additional District and Sessions Court(PCR), Thanjavur in MCOP.1408 of 2011 and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.95,000/- as total compensation. Challenging the same, the Transport Corporation preferred this appeal on the ground of quantum.

3. The learned counsel for the appellant contended that the FIR was filed after a lapse of 25 days and therefore the incident regarding the accident itself is doubtful. Accordingly, the Tribunal ought not have granted compensation in favour of the respondent/claimant, since there was a delay in filing of the FIR.

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4. The learned counsel for the respondent/claimant opposed the



appeal by stating that a mere delay in filing FIR will not deny the claimants from getting their right of compensation. Further, the Doctor, who treated the claimant also deposed that she sustained injuries.

5. Considering the arguments of both the counsels, this Court is of the view that the victim involved in the accident was not disputed before the Tribunal and the injury caused to the respondent was also not in dispute. Further, the Doctor, who treated the claimant has examined before the Tribunal and the Tribunal found that the facts regarding the accident and sustaining of injuries are established. Such being the case, this Court is not inclined to reconsider the award passed by the Tribunal and accordingly the order passed by the Motor Accident Claims Tribunal/I-Additional District and Sessions Court(PCR), Thanjavur, in MCOP.1408 of 2011, dated 21.02.2013, is confirmed.

6. In the result this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently connected miscellaneous petition is closed.

7. The appellant is directed to deposit the entire award amount with accrued interest and costs, to the credit of MCOP.1408 of 2011, on the file of the Motor Accident Claims Tribunal/I-Additional District and Sessions Court(PCR), Thanjavur, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the respondent/claimant is permitted to withdraw the entire award amount with accrued interest and costs, through RTGS, by filing necessary application before the Tribunal concerned.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

Motor Accident Claims Tribunal/
I-Additional District & Sessions Court(PCR),
Thanjavur.

Copy To:-

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO M/S.P.PRABHAKARAN, ADVOCATE IN SR No. 78846

+ 1 CC TO Mr.D.VEERASEKARAN, ADVOCATE IN SR No. 79122

PJL

TE/SS2-KSM : 23/01/2017 : 2P/5C

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