



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) .No.765 of 2016

and

C.M.P.No.7419 of 2016

Dr.S.Sivasubramanian

... Appellant/Respondent

Vs.

P.S.Gurusamy Raja

... Respondent/Petitioner

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 21.02.2013 passed in M.C.O.P.No.25 of 2012 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.

For Appellant	: Mr.S.Satheeshkumar
For Respondent	: Mr.M.Ashok Kumar

J U D G M E N T

Aggrieved over the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Srivilliputhur in M.C.O.P.No.25 of 2012, dated 21.02.2013, the present appeal has been filed.

2. The respondent filed the petition M.C.O.P.No.25 of 2012 seeking compensation of Rs.3,86,937/- alleging that on 08.01.2012, when he was proceeding in a two wheeler bearing Registration No.TN 67 AZ 7994 on Srivilliputhur Main Road from South to North direction, the car bearing Registration No.PY 01 D 0410 came from opposite direction hit against the two wheeler. In the accident, he sustained grievous injuries and fracture on his right leg.

3. The claim was resisted by the appellant contending that he was not having valid driving licence and also disputed the manner of accident and his liability.

<https://hcservices.courts.gov.in/hcservices>
4. Before the Tribunal, the claimant examined himself as P.W.1 and marked Ex.P1 - First Information Report, Ex.P2 - Observation Mahazar and Ex.P3 - Charge Sheet. The claimant has also marked his



driving licence as Ex.P4. The Tribunal accepting the evidence of the claimant held that the accident took place due to the rash and negligent driving of the appellant.

5. P.W.2, Dr.Ravichandran deposed that the claimant has sustained fracture on his right leg and he undergone surgery twice. P.W.2 issued Ex.P13 - Disability Certificate which shows that the claimant has sustained 25% permanent disability. P.W.1 has produced Ex.P9 Medical Bills. Ex.P8 is the Discharge Summary. Exs.P2 and P14 are X-rays. The Tribunal, on the basis of the evidence produced by the claimant, has totally awarded Rs.1,73,757/- with interest at 7.5% per annum. This Court is of the opinion that the award is just and reasonable.

6. In fine, the award passed by the Tribunal is confirmed and the appeal is dismissed. In view of the dismissal of the appeal, the appellant is directed to deposit the entire award amount along with accrued interest and costs to the credit of M.C.O.P.No.25 of 2012 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Srivilliputhur, within a period of eight weeks from the date of receipt of the copy of this Judgment.

7. On such deposit being made, the claimant is permitted to withdraw the entire award amount along with accrued interest and costs, without filing any formal petition before the Tribunal. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

+1cc to Mr.M.Ashok Kumar, Advocate SR.No.42220

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