



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

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CMP(MD) No.7678 of 2016
IN
CMA(MD) No.SR31734 of 2005

TAMILNADU STATE TRANSPORT
CORPORATION (DIVN.II)
(FORMERLY KNOWN AS KATTABOMMAN TRANSPORT
CORPORATION LTD.,)
VANNARAPETTAI,
TRIVANDRUM ROAD,
TIRUNELVELI.
(REP.THROUGH ITS MANAGING DIRECTOR) ... PETITIONER/APPELLANT

Vs

MINOR MUTHURAMU
(MINOR IS REP. THROUGH HIS FATHER
AND NEXT FRIEND VELMURUGAM) ... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 2061 days in paying the deficit court fee of Rs.415/- in CMASR.No.31734 of 2005 on the file of this Honourable court.

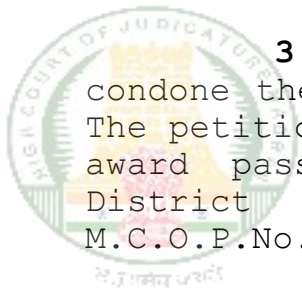
Prayer in CMA(MD) No.SR31734 of 2005:-

Memorandum of Grounds of Civil Miscellaneous Appeal against the Judgement and award made in M.C.O.P.No.326 of 1998 dated 14th December, 2004 on the Motor Accident Claims Tribunal, Additional District and Sessions Court, Fast Track Court No.I, Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.SIVARAMAN, Advocate for the petitioner and the court made the following order:-

The petition has been filed to condone the delay of 2061 days in paying the deficit court fee of Rs.415/- in C.M.A.Sr.No.31734 of 2005.

2. Heard Mr.D.Sivaraman, learned counsel appearing for the petitioner and perused the materials available on record.



3. The Transport Corporation has filed this petition to condone the delay in of 2061 days in paying the deficit court fee. The petitioner has filed the Civil Miscellaneous Appeal against the award passed by the Motor Accident Claims Tribunal (Additional District and Sessions Court), FTC No.1, Madurai passed in M.C.O.P.No.326 of 1998.

4. It is averred in the affidavit filed in support of the petition that due to financial constraint and due to administrative reasons, there was delay of 2061 days in paying the deficit court fee.

5. The first respondent filed the Claim Petition against the appellant seeking compensation of Rs.1,00,000/- for the injuries sustained in the accident on 29.10.1997.

6. According to the claimant, he was studying 1st Standard at CSI School at Pasumalai in Madurai and on 29.10.1997, at 12.30 p.m, when he was returning from school for taking lunch, the bus bearing Registration No. TN-72-N -0488 belonging to the the appellant Corporation came in a rash and negligent manner hit against him. In the result, he sustained injuries on the head, right hand, right leg and other parts of the body. The appellant filed a counter stating that the claimant by carelessness suddenly crossed the road from left side to right side. Though the driver stopped the bus, the claimant out of fear fell down on the road and sustained injuries. So they are not liable to pay any compensation to the claimant.

7. The mother of the claimant was examined as P.W.1. She has narrated the manner of accident in her evidence and also produced Ex.P.1 the First Information Report to show that the criminal case was registered against the driver of the bus. Since there was no contra evidence, the Tribunal has rightly accepted the evidence of P.W.1 and based on Ex.P.1 held that the driver of the bus was responsible for the accident.

8. P.W.2 Dr.Shanmugam has deposed that he was working as a Professor in Government Rajaji Hospital in Ortho Department and on 25.09.2004 he examined the claimant and after perusing the case sheet, X-ray found that there was a shortage of 2 c.ms in the right hand of the claimant. He found fracture on ribs 8, 9 and 10. Ex.P.5 Wound Certificate would show that the claimant has suffered 58% permanent disability. Ex.P.7 is the X-ray. The claimant has produced Ex.P.6 Case Sheet.

9. The Tribunal based on the evidence of P.W.2 and Ex.P.5 has awarded Rs.50,000/- towards permanent disability, Rs.10,000/- towards pain and suffering and Rs.5,000/- towards Transport and other expenses. The Tribunal has totally awarded Rs.65,000/- with 9% interest. In my considered view, the award of the Tribunal is fair and reasonable.

10. Since the petitioner has not shown sufficient cause for condoning the enormous delay of 2061 days and the delay is not



explained and there is no merit in the petition, this petition is dismissed. The appeal is also dismissed at the SR stage.

sd/-

17/08/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL, ADDITIONAL DISTRICT AND SESSIONS
JUDGE, FAST TRACK COURT NO.I, MADURAI.

CM

CSL/AAL-MPA/SAR-I/28.09.2016: 3P/2C

ORDER

IN

CMP(MD) No.7678 of 2016

IN

CMA(MD) No.SR31734 of 2005

Date :17/08/2016