

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2017

Coram

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
C.M.A.No.3244 of 2017 &
C.M.P.No.20202 of 2017

1.The Superintendent of Police
Krishnagiri District

2.The District Collector
Krishnagiri District

... Appellants/Respondents 3 & 4

Vs.

1.Kaliappan ...1st Respondent/Claimant

2.Venkatappa

3.The Oriental Insurance Company Ltd.
No.18,Ramanuja Iyer Street
Sowcarpet, Madras - 1.

... Respondents 2 & 3/Respondents 1 & 2

Civil Miscellaneous Appeal filed under section 173 of
M.V. Act, 1988, against the judgment and decree dated
17.03.2008 passed in M.C.O.P.No.293 of 1988 on the file of
Motor Accident Claims Tribunal (Sub Court), Krishnagiri.

For Appellants : Mr.M.Venugopal
Special Government Pleader (CS)

For Respondent : Mr.S.C.Viswanath - for R1

J U D G M E N T

Challenging the award passed in M.C.O.P.No.293 of 1988 on
the file of Motor Accident Claims Tribunal (Sub Court),
Krishnagiri, the respondents 3 and 4 in the claim petition, have
filed the above Civil Miscellaneous Appeal.

2. The 2nd respondent filed M.C.O.P.No.293 of 1988
claiming a total compensation of Rs.2,00,000/- for the injuries
sustained by him in an accident that had occurred on 03.09.1983.

3. According to the 2nd respondent-claimant, he is a police constable attached to Thally Police Station. On 03.01.1983, he was entrusted with the duty of escorting a lorry bearing Registration No.T.N.W.3966 and produce the same as the case property before the Judicial Magistrate Court, Hosur. Hence, he travelled in the said lorry escorting the same on duty to go to Hosur. The lorry was driven in a rash and negligent manner and the vehicle dashed against a tree and capsized to the right side of the road. In the course of accident, the 1st respondent sustained injuries and as per Ex.P7, would certificate, his permanent disability was assessed at 55%.

4. Before the Motor Accident Claims Tribunal, on the side of the claimant, 3 witnesses were examined and 17 documents, Exs. P-1 to P-17 were marked and on the side of the respondents, 3 witnesses were examined and 2 documents, Exs. R-1 and R-2 were marked.

5. The Motor Accident Claims Tribunal, after taking into consideration the oral and documentary evidences let in by both sides, awarded a total compensation of Rs.64,545/- (Rupees sixty four thousand five hundred and forty five only) together with interest at 12% per annum from the date of claim petition till date of realisation.

6. Aggrieved over the award passed by the Motor Accidents Claims Tribunal, the respondents have filed the above appeal.

7. Heard Mr.M.Venugopal, learned Special Government Pleader (CS), appearing for the appellants and Mr.S.C.Viswanath, learned counsel appearing for the 1st respondent.

8. On a perusal of the materials available on record, it could be seen that as per Ex.P7, wound certificate, which is also supported by the evidence of P.W.3, the Doctor, the claimant's permanent disability was fixed at 55% and a sum of Rs.55,000/- was awarded towards permanent disability. So far as the medical expenses are concerned, the Tribunal awarded a sum of Rs.9,545/-, which were supported by Exs.P10 to P15. Thus, in toto, the Tribunal had awarded a sum of Rs.64,545/- together with interest at 12% per annum from the date of claim petition till date of realisation.

9. In these circumstances, I do not find any reason to interfere with the award passed by the Tribunal. The Civil Miscellaneous Appeal is devoid of merits and is liable to be dismissed. Accordingly, the Civil Miscellaneous Appeal is

dismissed. The appellant is directed to pay the award amount as award by the Motor Accident Claims Tribunal, within a period of four months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

Rj

To

1. The Sub Judge
Motor Accident Claims Tribunal (Sub Court),
Krishnagiri.
2. The Section officer
VR Section, High Court, Madras.

+1 CC to Mr.S.C.Viswanath, Advocate sr 84766.
+1 Cc to Spl. Govt. Pleader(CS) sr 84522.

C.M.A.No.3244 of 2017 &
C.M.P.No.20202 of 2017

NMI (CO)
SP(02/01/2018)

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