

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.1281 of 2003
and CMP.No.8799 of 2003

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram Division III) Ltd.,
Kancheepuram – 631 501.

.. Appellant

Vs.

Minor C.Durai Raj
Represented by Mother and next friend Boopathy

.. Respondent

Prayer : Civil Miscellaneous Appeal preferred under Section 173 of M.V.Act 1988 against the judgment and decree dated 27.09.2001 made in MCOP.No.561 of 1997 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Vellore.

For Appellant : Mr.A.Arumugam

JUDGMENT

The Transport Corporation, the appellant herein, has come forward with this appeal challenging the quantum of compensation awarded by the Tribunal in MCOP.No.561 of 1997.

2. In a road accident that took place at about 4.15 p.m., on 26.2.1997, a bus belonging to the appellant-Corporation dashed against the cyclist, injuring an young boy aged 12 years. For the various injuries suffered by the claimant, a claim of Rs.50,000/- was preferred before the Tribunal, as against which the Tribunal has passed an award for Rs.31,750/- payable with interest at 9% p.a.,

3. The learned counsel for the appellant submitted that the only point on which the appeal has been preferred is that the Tribunal has granted a compensation of Rs.20,000/- on general heads of damages.

4. The notice in this case has not been served on the respondent/claimant after almost thirteen years since the filing of the appeal and therefore, this Court decides to test the case of the appellant on its own merits.

5. The dynamics of the accident is unpredictable and there is also no measure for evaluating the sufferings of the victim. More so, a child of 12 years and the kind of agony that the child is forced to endure, justifies the lenient attitude of the Tribunal. At the end of the day, if the award is closely scrutinised, even this amount is very insignificant, and even if the argument of the appellant is granted some merit, still it is a case where the Court ultimately may have to only adjust the sum internally on different heads of compensation, with very little bearing on the amount awarded by the Tribunal.

7. In the result, I find no merit in the appeal and hence the appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2017

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<http://www.judis.nic.in> Index : Yes/No

Internet : Yes/No

N.SESHASAYEE,J

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To:

- 1.The Judge
Additional District Court,
Vellore.
- 2.The Section Officer
VR Section
High Court, Madras.



C.M.A.No.1281 of 2003

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