

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.01.2017

CORAM:

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.1251 of 2001

The Superintendent of Police,
Dharmapuri District,
Rep. by the State of Tamil Nadu.

... Appellant

Vs.

1. G.Govindasamy,

2. Raji

.... Respondents

Prayer:- The Civil Miscellaneous Appeal has filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 21.12.2000 in M.C.O.P.No.169 of 1997 on the file of the Motor Accident Claims Tribunal-cum-Subordinate Judge, Vellore District.

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

For R1 : Mr.A.Anbarasan

For R2 : No Appearance

JUDGMENT

The Superintendent of Police, Dharmapuri has come forward with this appeal, challenging the factum of negligence and quantum of negligence paid by the Motor Accidents Claims Tribunal in M.C.O.P.No. 169 of 1997.

2. The brief facts are that in a road accident that took place on 08.09.1994 at about 10.45 p.m. on Ambur-Vellore road, the driver of the jeep of the police department was alleged to have been driven rashly and negligently and hit a cyclist, owing to which, the cyclist suffered injuries. The victim, thereafter moved the Tribunal seeking a claim of Rs.1,50,000/-, whereas the Tribunal has passed an award of Rs.89,000/- with interest at 12% per annum.

3. The learned counsel for the appellant submitted that the driver of the police jeep was not at fault and the accident was caused entirely by the claimant himself when he came on the line of motion of the jeep and had invited an accident on himself. He also added that the nature of

injuries suffered are simple in nature but the Tribunal was unreasonably generous in granting a compensation of Rs.85,000/-

4. In this case, the claimant/first respondent has been served with the notice on this appeal and he did not appear to contest. The other respondent is a driver of the jeep and notice is yet to be served. However, since the appellant has taken up the responsibility of the second respondent, his presence is not necessary. Therefore, notice to the second respondent is dispensed with.

5. I went through the entire papers in this case. The claim relates to an accident that has taken place some 22 years from now. The present appeal itself is about 16 years old. In my considered view, I do not find any demerit in the approach of the Tribunal. Even if Rs.85,000/- that the Tribunal had awarded was to be considered as excessive by 1994 standards, it has lost all its significance as of today.

6. In conclusion, I find no merit and the same is dismissed without costs. The learned Special Government Pleader submitted that the entire award amount has been deposited. The claimant is permitted to withdraw if anything still remains to be withdrawn from the Tribunal.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmi

To

The Motor Accidents Claims Tribunal
-cum-Subordinate Court,
Vellore.

+1cc to the Government Pleader, S.R.No.3266

C.M.A.No.1251 of 2001

KS (CO)
CA(08/02/2017)