

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED : 14.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.2182 of 2017
and
C.M.P.No. 11549 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Road,
Coimbatore - 641043.

.. Appellant/R1

-/Vs/-

- | | |
|--|-----------------|
| 1. M.Selvam | ..R1/Petitioner |
| 2. K.Venkatesan | ..R2/R2 |
| 3. National Insurance Company Limited,
Branch Office-I, Thanthai Periyar Complex,
Near Old Bus Stand, Salem-1. | ..R3/R3 |

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and Decree dated 02/04/2012 made in M.A.C.T.O.P.No.617 of 2008 on the file of the Motor Accidents Claims Tribunal (Principal Sub Judge, Salem).

For Appellant : M/s.R.T.Sundari

J U D G M E N T

The claimant, Selvam, aged 38 years, working as mason and earning a sum of Rs.6,000/- (Rupees Six Thousand Only) per month, met with an accident on 21.05.2008. He filed a claim petition claiming a sum of Rs.5,00,000/- as compensation.

2. The Tribunal, on consideration of oral and documentary evidence, awarded a sum of Rs.25,000/-. Challenging the quantum of compensation as excessive, the present appeal has been filed by the transport corporation.

3. It is submitted by the learned counsel appearing for the appellant that the appeal filed by the claimant for enhancement of compensation was dismissed by this Court even at the SR stage in CMP SR No.22832 of 2017. However, copy of the said order has

not been produced before this Court.

4. Be that as it may. The materials available on record reveals that the appellant has not disputed the accident, but has questioned only the quantum of compensation. The Tribunal has awarded only a sum of Rs.25,000/- as compensation. The appellant having not disputed the accident, the compensation in a sum of Rs.25,000/- awarded by the Tribunal cannot be said to be excessive, considering the fact that the accident had taken place in the year 2008 and the cost of living and inflation has eroded the money value and, therefore, the amount of Rs.25,000/- cannot be said to be a very high amount in the year 2017. In that view of the matter, the compensation awarded cannot be said to be excessive and, accordingly, the appeal is liable to be dismissed.

5. Accordingly, recording the fact that the connected appeal filed by the claimant has already been dismissed by this Court, for the reasons aforesaid, this appeal is also dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksa/GLN

To

1. The Principal Subordinate Judge,
Salem.
2. The Section Officer, VR Section,
High Court, Madras.

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aa09/04/2018

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