

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.757 of 2017
and C.M.P.No.4105 of 2017

State Express Transport Corporation,
Rep. by its Managing Director,
Anna Salai,
Chennai.

... Appellant / 3rd respondent

versus

1. Annamalai ... 1st respondent/Petitioner

2. M.Selvam ... 2nd respondent/1st respondent

3. United India Insurance Co. Ltd.,
Rep. by its Branch Manager,
J.N.Street, Pondicherry. ... 3rd respondent/2nd respondent
(R2 and R3 are given up)

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 17.03.2004 made in M.C.O.P.No.690 of 1996 on the file of the Motor Accident Claims Tribunal (Principal Sub-Court), Tindivanam.

For Appellant : Mr.V.Udayakumar

JUDGMENT

The claimant Annamalai, aged 23 years, a load man, earning a sum of Rs.2,000/- p.m., met with an accident on 15.01.1996 and sustained injuries. Hence, he filed a claim petition in M.C.O.P.No.690 of 1996 on the file of the Motor Accident Claims Tribunal (Principal Sub-Court), Tindivanam, claiming compensation of Rs.1,00,000/-.

1.1. As against the claim made, the Tribunal has awarded a sum of Rs.35,000/- as compensation, payable with interest at the rate of 9% p.a. from the date of petition till the date of deposit.

2. Challenging the quantum of compensation, the Transport Corporation has filed this appeal.

3. At the time of accident, the claimant was aged 23 years and he has suffered injury in the spinal cord as well as in the left thigh. He took treatment from the Government Hospital, Chengalpet and also took treatment from the Private Hospital. The Doctor has certified that one out of four injuries is grievous in nature. The Tribunal has granted a sum of Rs.5,000/- each for simple injuries and Rs.15,000/- for grievous injury sustained and a sum of Rs.5,000/- has been awarded for pain and sufferings and the total compensation has been awarded at Rs.35,00/-.

4. From the nature of the injuries sustained, it is evident that the Tribunal did not grant any award for medical expenses and transport expenses. The award of Rs.35,000/- during the year 1996 may be excessive, but, not in the year 2017. Therefore, the appeal has no merits.

5. Hence, this Civil Miscellaneous Appeal is dismissed, confirming the award dated 17.03.2004 passed in M.C.O.P.No.690 of 1996 by the Motor Accident Claims Tribunal (Principal Sub-Court), Tindivanam.

6. The Transport Corporation shall deposit the entire amount of compensation along with interest at the rate of 9% p.a. from the date of petition till the date of deposit, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimant shall withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The Motor Accident Claims Tribunal
(Principal Sub-Court),
Tindivanam.

C.M.A.No.757 of 2017

NRJK(CO)
NR 30/06/2017