

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

C.M.A.No.3314 of 2017

Murugan

... Appellant / claimant/
Petitioner

..vs..

1. V.Shivaji

2. ICICI Lombard General Insurance Co.,
Nungampakkam, Chennai

... Respondents/Respondents

Appeal filed under Section 173 of Motor Vehicles Act 1988, against the judgment and decree, dated 06.07.2010 made in M.C.O.P.No.389 of 2008 on the file of the Court of the Motor Accident Claims Tribunal, II Additional Subordinate Court, Villupuram.

For Appellant : Mr. K.Varadhakamaraj

J U D G M E N T

The claim petition has been filed in MCOP No.389 of 2008, seeking compensation, by one Murugan, aged 32, in the capacity as the owner of the bullocks and tyre cart, relating to injury to bullocks and damage to tyre cart. Claiming that, he is an agricultural coolie and has suffered one simple injury and one grievous injury, leading to loss of income and earning capacity, the claim petition has been filed. The Tribunal has passed an award for a sum of Rs.70,000/- under the following breakup details:-

Loss of earnings	-	Rs. 9,000.00
Transport to hospital	-	Rs. 1,000.00
Medical expenses	-	Rs. 1,000.00
Injury to two bullocks	-	Rs. 29,000.00
Pain and sufferings	-	Rs. 20,000.00
Continuing Permanent disability	-	Rs. 10,000.00

		Rs. 70,000.00

2. This Court perused the grounds of appeal. In the grounds of appeal, it is stated that the Tribunal should have awarded Rs.39,000/- towards the injury to two bullocks and the Tribunal has awarded only a sum of Rs.29,000/-. Claiming the balance of Rs.10,000/- and also on the ground that the compensation to personal injury is inadequate, this Appeal has been filed.

3. This Court is of the opinion that there is no justifiable reason for the appellant to file this appeal on the said flimsy ground, that too with a delay of 2,737 days in representing the appeal.

4. Hence, the judgment passed by the Tribunal below does not require interference in the hands of this Court. The inordinate delay in filing this Appeal have the effect of making the judgment passed years back, fair, reasonable and just. Hence, the Appeal filed by the appellant is dismissed. No costs.

5. The Insurance Company / second respondent shall deposit the amount of compensation, as awarded by the Claims Tribunal, if not deposited already, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the said sum to the Savings Bank Account to the claimant / appellant, through RTGS.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal, II Additional Subordinate Court,

Villupuram.

2. The Section Officer, V.R.Section, Madras High Court, Chennai 104(2 copies)

SKN(CO)

sm:13.2.2018

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