



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.12.2017
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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C.M.A. (MD) .No.101 of 2014

Maniraj @ Periyasamy

... Appellant/Claimant

Vs.

1.The Proprietor,
Jayaram Motors Service,
Rajapalayam, Virudhunagar District.

2.The Divisional Manager,
Oriental Insurance Company Ltd,
Rajapalayam.

3.Nagamalai @ Anbalagan

... Respondents/Respondents

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order and decree made in M.C.O.P.No.100 of 1996 dated 20.09.2013 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate Court at Srivilliputhur.

For Appellant	: Mr.M.Thirunavukkarasu
For R1 & R3	: No Appearance
For R2	: Mr.K.Bhaskaran

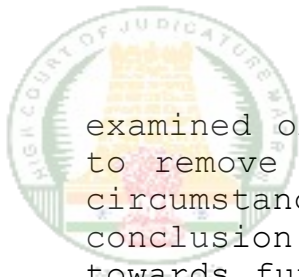
JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of the compensation awarded to him.

3.The claimant was a student, when he met with the accident in question on 24.04.1995 at about 05.35 p.m. He suffered fracture in his right thigh. He was an in patient in the Government Hospital for 45 days. The claimant had suffered injuries all over the body. The Tribunal awarded a sum of Rs.1,10,000/- with interest.

4.The claimant now contends that he ought to have been awarded a further sum towards future medical expenses. Admittedly, the accident occurred on 24.04.1995. 22 ½ years have gone by. If the appellant had undergone a second surgery, the proof for the same would easily be forthcoming. The award itself has passed only on 20.09.2013. This appeal was filed in February 2014. It is being taken up in December 2017. Till now, no such proof is forthcoming. It is also pertinent to mention here that the Doctor who was



examined on the side of the claimant deposed that there is no need to remove the plate that is in his right thigh. Considering these circumstances, this Court has to be necessarily come to the conclusion that the Tribunal was right in awarding the damages towards future medical expenses. I therefore find no merit in this appeal.

5.The award made in M.C.O.P.No.100 of 1996, dated 20.09.2013, on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate Court at Srivilliputhur, is confirmed.

6.The second respondent is directed to deposit the compensation amount of Rs.1,10,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

7.This Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The learned Chief Judicial Magistrate,
The Chief Judicial Magistrate Court,
The Motor Accident Claim Tribunal/at Srivilliputhur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**
- 3.The Proprietor,
Jayaram Motors Service,
Rajapalayam, Virudhunagar District.
- 4.Nagamalai @ Anbalagan
S/O.Muthusamy,
Ganapathy Sundaranachiyarpuram,
Rajapalayam Taluk.

+1cc to M/S.M.Thirunavukkarasu, Advocate SR.No. 91076

+1cc to M/S.K.Bhaskaran, Advocate SR.No. 90935

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