



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.879 of 2017

and

C.M.P.(MD).No.9424 of 2017

The Superintendent of Police,
Theni District Police Office,
Theni.

... Appellant/Respondent

Vs.

M.Selvapandian

... Respondent/Claimant

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No.275 of 2002 on the file of the Motor Accident Claims Tribunal/Additional District Sessions Judge, Theni at Periyakulam dated 17.06.2015.

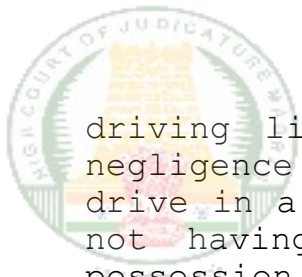
For Appellant : Mr.D.Muruganantham
Additional Government Pleader

JUDGMENT

Heard the learned counsel on either side.

2.The Police department has filed this appeal questioning the impugned award on the ground of liability as well as quantum. The respondent herein was riding his two-wheeler from Theni to Bodi on 21.06.2001. When the police jeep of the appellant dashed against the two-wheeler, the respondent suffered head injuries. The pillion rider died on the spot. The respondent was treated as an inpatient in the Government hospital, Madurai from 21.06.2001 to 07.07.2001. Crime No.283 of 2001, was registered on the file of Bodi Town Police Station against the jeep driver. The respondent had to undergo neuro surgery. He was a young person and aged 20 years at the time of the accident. The Tribunal fixed negligence on the jeep driver. It also awarded a sum of Rs.1,64,650/- as compensation.

3.The same is questioned by the learned Additional Government Pleader appearing for the appellant on the ground that the claimant was not possessing a valid driving license. In fact, he was prosecuted for not having valid driving license. He also pleaded his guilty. Therefore, the Tribunal erred in fixing the negligence on the jeep driver. I am not able to agree with this contention. This point was taken before the Tribunal Court. The Tribunal observed that even if the claimant was not possessing a valid



driving license, still that is not sufficient by itself to fix negligence on him. A person having a valid driving license can drive in a negligent manner and cause an accident. A person who is not having a driving license may drive carefully. Therefore possession or an absence of driving license on the part of the claimant is not by itself determinative of the issue of negligence. Therefore, I reject this ground.

4.As regards quantum, it is seen that the claimant was an inpatient in Apollo Hospital. He suffered head injuries for more than two weeks. He had undergone two surgeries. He had suffered injuries in his body also. Therefore awarding a sum of Rs.1,64,650/- cannot be said to be excessive by any standard. There is no merit in this appeal.

5.Therefore, the award dated 17.06.2015 made in M.C.O.P.No.275 of 2002 on the file of the Motor Accident Claims Tribunal/Additional District Sessions Judge, Theni at Periyakulam is confirmed.

6.The appellant is directed to deposit the entire compensation amount of Rs.1,64,650/- 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 respondent 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 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Additional District and Sessions Judge,
The Motor Accidents Claims Tribunal/
Theni at Periyakulam.

2.The Superintendent of Police, Theni District Police Office, Theni

Copy to:1.Mr.M.SELVAPANDIAN, S/O.LATE.MANOHARAN

24/798, PON SETHU BHAVANAM, MADURAI ROAD, THENI

2.THE SECTION OFFICER, V.R.SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+One cc to The Special Government Pleader, SR.No.83529

tsg

RL/6C/2P/KP/SAR2/5/12/2017

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