

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.54 of 2006

Rathinam (Died)
1.R.Karunakaran
2.R.Kirubakaran

... Appellants/Petitioners

Vs

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram.

...Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 15.06.2005 in MACTOP.No.770 of 1998 on the file of the Motor Accident Claims Tribunal (Additional District Judge, Fast Track Court No.II), Kancheepuram.

For Appellants : Mr.N.Veerasingam
For Respondent : No Appearance

JUDGMENT

No appearance for the respondent.

2. This appeal is filed by the legal heirs of the deceased Rathinam, who sustained injury in a road accident that took place on 09.08.1998 at about 04.15 p.m Keezh Ootivakkam-Thimmarajampettai Road. While the deceased Rathinam was riding his bicycle, a bus belonging to Tamil Nadu State Transport Corporation bearing Registration No.TN-21-N-0453 which was coming on the opposite direction rashly and negligently and hit the deceased Rathinam, as a result of which, the deceased Rathinam was thrown out of his bicycle and sustained multiple injuries. Immediately, he was rushed to Government Hospital at Kancheepuram and took treatment for three days i.e., as an in patient and in the opinion of the doctor, the injuries sustained

by deceased Rathinam were simple in nature.

3. The learned Additional District Judge, Fast Track Court No.II, Kancheepuram, after considering the entire evidence on record had awarded a compensation of Rs.5,000/- to the petitioners/appellants, who are the legal heirs of the deceased Rathinam.

4. Mr.N.Veerasamy, the learned counsel appearing for the appellants contended that in the year 2000 i.e., after period of two years from the date of accident, the injured Rathinam died. The specific contention of the learned counsel appearing for the appellants is that since he sustained head injury, he died after two years from the date of accident and therefore, the award passed by the trial Court cannot be sustained.

5. A perusal of the records shows that the deceased Rathinam sustained only simple injuries on the date of the accident i.e., on 09.08.1998 and in the opinion of the doctor, the injuries sustained by the deceased were simple in nature. As rightly held by the learned Additional District Judge, Fast Track Court, No.II, Kancheepuram, the claimants did not adduce any acceptable evidence to hold that the death after two years was due to the injuries sustained by the deceased Rathinam.

6. All the observations made by the trial Court are well founded and the amount of Rs.5,000/- awarded by the Tribunal is upheld. The present appeal fails and is therefore dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Judge,
Motor Accidents Claims Tribunal,
Fast Track Court No.II,
Kancheepuram.

2.The Section Officer,
VR Section, High Court,
Madras(2Copies)

+1cc to Mr.N.Veerasamy, Advocate, S.R.No.76335

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BR(CO)

GSP(23/01/2019)