

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1202 of 2017 and
C.M.P.No.6068 of 2017

1. The Commissioner of Police,
Commssioner's Office,
Coimbatore-18
 2. The Deputy Commissioner of Police,
City Armed Reserve,
Coimbatore.
 3. Shanmugasundaram .. Appellants
- Vs.
- 1.R.Krishnan ... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 06.09.2005 made in M.C.O.P.No.15 of 2005 on the file of the District Court cum Motor Accident Claims Tribunal, Uthagamandalam.

For Appellants : Mr.A.Devnarendran, Govt. Advocate

For respondent : Ms.V.Pushpalatha

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the award dated 06.09.2005 made in M.C.O.P.No.15 of 2005 on the file of the District Court cum Motor Accident Claims Tribunal, Nilgiris.

2.The appellants are the second and third respondents in M.C.O.P.No.15 of 2005 on the file of the District Court cum Motor Accident Claims Tribunal, Nilgiris. The first respondent filed the said claim petition, claiming a sum of Rs.5,00,000/- as compensation for the injuries sustained by him in the accident that took place on 03.05.2004.

3. Heard the learned counsel appearing for the appellant and perused all the materials available on record.

4. According to the learned counsel for the appellant, the award passed by the Tribunal is contrary to law and the Tribunal has awarded huge sum of Rs.30,000/- towards pain and suffering without proper evidence. The Tribunal erred in awarding a total sum of Rs.72,500/- as compensation to the respondent, which is on the higher side. The said contentions are without merits. The Tribunal considering Ex.P14-wound certificate, awarded a sum of Rs.30,000/- towards pain and suffering. The accident occurred in the year 03.05.2004 and in the absence of proper evidence to prove the income of the first respondent/claimant, the Tribunal fixed a sum of Rs.1,500/- as notional income of the first respondent and awarded a sum of Rs.7,500/- (Rs.1,500/-X 6 = Rs.7,500/-) towards loss of income. The Tribunal considering Ex.P13-medical bills, awarded a sum of Rs.25,000/- towards medical expenses and a sum of Rs.10,000/- towards extra nourishment. Thus, the Tribunal has awarded a total sum of Rs.72,500/- as compensation to the first respondent/claimant. In my considered view, the amounts awarded by the Tribunal under different heads are just and reasonable. I do not find any error in the above said reasoning of the Tribunal warranting interference by this Court.

5. Accordingly, the award passed by the Tribunal is hereby confirmed and this Civil Miscellaneous Appeal is dismissed. The Appellants are directed to deposit the award amount along with interest and costs, less the amount, if any already deposited, within a period of twelve weeks from the date of receipt of a copy of this judgment. On such deposit, the first respondent/claimant is permitted to withdraw the award amount with interest and costs, after adjusting the amount already withdrawn, if any, by making necessary applications before the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

krk

To

The District Judge,
Motor Accident Claims Tribunal,
Uthagamandalam.

copy to: The Section Officer,
VR Section,
High Court, Madras.

+2 ccs to M/s.V.Pushpalatha, Advocate, S.R.No.88694

+1 cc to the Special Government Pleader, S.R.No.88704

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SSV(CO)
SSM(11/04/2019).



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