



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) .No.352 of 2013

Vijay Singh Kamaraj

... Appellant/Petitioner

Vs.

1. J.Sebastian

2. United India Insurance Company Limited,
through its Divisional Manager,
No.457, V.E.Road,
Tuticorin.

3. Tamil Nadu State Transport Corporation Limited,
through its Managing Director,
Ranithottam,
Nagerkoil.

... Respondents/ Respondents

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 13.07.2007, passed in M.C.O.P.No.189 of 2005 on the file of the Motor Accidents Claims Tribunal, Additional District Judge/Fast Track Court No.2, Tirunelveli.

For Appellant : Mr.T.Selvakumaran
For Respondents : Mr.D.Nallathambi - for R1
Mr.M.Vedasingh - for R2
Mr.P.Prabhakaran - for R3

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the learned Additional District Judge/Fast Track Court No.2, Motor Accidents Claims Tribunal, Tirunelveli, in M.C.O.P.No.189 of 2005, dated 13.07.2007.

2. Heard the learned Counsel appearing on either side and perused the records carefully.



3. It is a case of injury and the claimant/injured, being dissatisfied with the compensation of Rs.70,000/- awarded by the tribunal, is before this Court, seeking enhancement. According to the appellant/claimant, he was aged about 39 years and sustained 30% disability in the accident. However, the tribunal has awarded only a sum of Rs.30,000/- towards disability and therefore, he prays for enhancement. It is his further case that the tribunal ought to have awarded substantial amount towards loss of amenities, medical attendants, pain and sufferings, however, a meagre sum was awarded under these heads.

4. The learned Counsel for the 3rd respondent/transport corporation submitted that the accident was occurred in the year 1996 and the claim petition was filed in the year 2005 and the doctor has examined the victim/claimant in the year 2007 and assessed the disability as 30%, nearly after 11 years from the date of accident and therefore, the transport corporation is not liable to pay compensation to the claimant.

5. It is seen that the accident occurred in the year 1996 and the tribunal, considering the age, cost of living, etc., has fixed the compensation @ Rs.1000/- per percentage of disability and has awarded a sum of Rs.30,000/- as compensation towards disability, which, in my considered opinion is very reasonable and therefore, the same does not warrant any interference at the hands of this Court.

6. On a perusal of the records, it is seen that the though the accident occurred in the year 1996, the claim petition was filed in the year 2005 and the doctor examined the claimant/victim in the year 2007, i.e., nearly after 11 years, the Doctor examined the claimant. Despite this much delay, the tribunal, in the interest of justice, has awarded a decent sum, which, in my considered opinion is very reasonable and there is no infirmity in the order passed by the trial judge.

7. In view of the foregoing discussions, this civil miscellaneous appeal is liable to be dismissed and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge/

<https://hcservices.hcsrtd.gov.in/hcsrtd>

Court No.2,
Motor Accidents Claims Tribunal,
Tirunelveli.



2. The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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+1cc to Mr.T.Selvakumaran, Advocate Sr.No.63713
+1cc to Mr.P.Prabhakaran, Advocate Sr.No.63155

RM

VB/SV/MMS/SAR1/01.06.2018/3P/6C

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