



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.1028 of 2004
& CMP No.6064 of 2004

The Oriental Insurance Co. Ltd.,
Hosur ... Appellant/2nd Respondent

Vs.

1. Chinnaraji
2. D.Thiyagarajan ... Respondents/Petitioner & 1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.06.2003 passed in MCOP No.206 of 2002 on the file of the Motor Accident Claims Tribunal, First Additional District Judge, Dharmapuri at Krishnagiri.

For Appellant : Mr. S.Arunkumar

For Respondents : No Appearance.

J U D G M E N T

As against the claim made for a sum of Rs.30,000/- by the injured / claimant / Chinnaraji, the Tribunal has passed an award for a sum of Rs.20,500/- with interests and costs. Challenging the same, the Insurance Company has filed this Appeal.

2. At the outset, this Court would like to point out that no steps have been taken by the appellant / Insurance Company for about 15 years to serve notice on the claimant, despite notice being ordered by this Court as early as on 22.04.2004. Hence, considering the paucity of time this Court takes up the Appeal itself on merits.

3. A perusal of the award passed by the Claims Tribunal would go to show that the Tribunal has considered the nature of injury, period of treatment and the impact of injury and has given a finding that the seven injuries sustained by the claimant are simple in nature and not permanent and that the injuries sustained do not in any way affect the earning capacity of the claimant. The Tribunal has further observed that no documents have been produced by the claimant to show that he requires future medical expenses.



4. Further, the heads under which compensation was awarded by the Tribunal, i.e., pecuniary, non-pecuniary damages and loss of earnings would go to show that towards medical expenses, extra nourishment and loss of amenities, sums of Rs.500/-, Rs.2,500/- and Rs.17,500/- were awarded, which in the considered view of this Court is just and not on higher side.

5. Further the accident had taken place in the year 2001. After a period of eighteen years, it may not be proper for this Court to interfere with the compensation of Rs.20,500/-, especially, when the prices have escalated manifold and there is reduction in the value of money. Having regard to the lapse of time, this Court is not in a position to interfere with the quantum of compensation awarded.

6. Thus, the Civil Miscellaneous Appeal filed by the Insurance Company has no merits. The award of compensation passed by the Claims Tribunal is reasonable, just, fair and does not require any interference by this Court. Thus, the Civil Miscellaneous Appeal is dismissed. No costs.

7. The appellant / Insurance Company shall deposit the entire compensation amount, interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the claims Tribunal shall transfer the amount to the RTGS Account of the claimant / first respondent, forthwith. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal, First Additional District Judge,
Dharmapuri at Krishnagiri.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.S.Arunkumar, Advocate SR.No.45059

C.M.A.No.1028 of 2004
& CMP No.6064 of 2004