

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3500 of 2004
& CMP No.18986 of 2004

Tamil Nadu State Transport Corporation
Salem Division No.II,
Rep. by its Managing Director,
Bharathipuram, Dharmapuri 5 Appellant/2nd Respondent

Vs.

1. R.Vasudevan
2. G.Kannan
3. N.Muruganandam
4. D.Natarajan
5. New India Assurance Co. Ltd.,
Kumbakonam, Thanjavur District Respondents 1,3,4 & 5/
Respondents 2 to 5

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 19.12.2001 in MACT OP Nos.642 of 1999 on the file of the Motor Accident Claims Tribunal (II Additional District Sessions Judge cum Chief Judicial Magistrate), Krishnagiri.

For Appellant : Mr. S.V.Vasanthakumar

For First Respondents: Mr. T.Pappiah Dharmaraj, for,
M/s. Sarvabhuman Associates for R1.

J U D G M E N T

As against the claim made for a sum of Rs.2,00,000/- by the injured / claimant, the Tribunal has passed an award for a sum of Rs.1,80,000/-. Challenging the same, the Transport Corporation has filed this Appeal.

2. The main contention raised by the learned counsel for the appellant / Transport Corporation is that, for the fracture sustained in the left leg and loss of teeth, the compensation of

Rs.1,80,000/- awarded by the Tribunal is exorbitant and the same requires reduction.

3. A perusal of the award passed by the Tribunal would go to show that the claimant has suffered fracture on left leg, loss of teeth, etc., in respect of which he had taken treatment at Government Hospital, Thiruvannamalai. The Tribunal, based on the first information report as Ex.P-1, wound certificate as Ex.P-2 and other medical records as Exs.P-4 to P-7, has rendered its findings on the aspects of negligence and quantum.

4. From the materials placed before the Tribunal, it has chosen to award a sum of Rs.1,80,000/-, without any break up details. Had there been break up details, it would have been helpful for this Court to find out the justifiability of the award.

5. However, the fact remains that the accident had taken place in the year 1999. After two decades, it may not be proper to interfere with the quantum of compensation of Rs.1,80,000/-, 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.

5. In view of the above, the Appeal has no merits and therefore, this Civil Miscellaneous Appeal is dismissed.

6. The appellant / Transport Corporation is directed to deposit the compensation amount, as awarded by the Tribunal, along with interests and costs, 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 Tribunal shall transfer the amount to the Savings Bank Account of the injured / claimant, forthwith. No costs. Consequently, the connected CMP is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal
(II Additional District Sessions Judge
cum Chief Judicial Magistrate), Krishnagkiri.

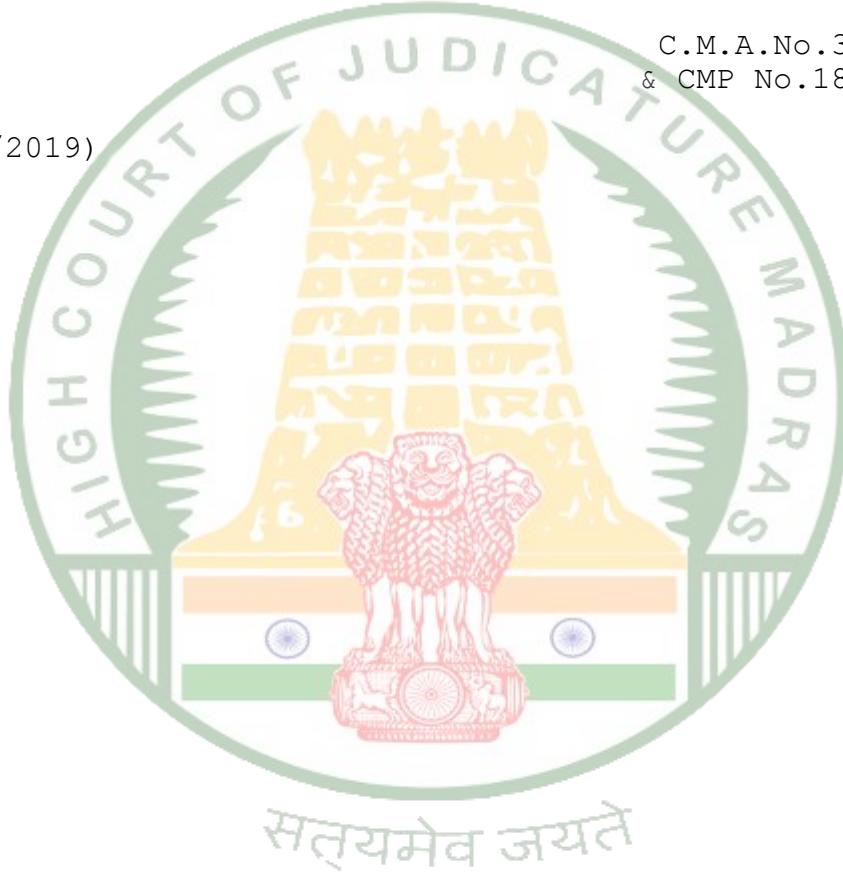
2. The Section Officer, V.R. Section,
Madras High Court, Chennai - 104.

+1cc to Mr.S.V.Vasanthakumar, Advocate SR.No.46115

+1cc to /s. Sarvabhuman Associates, Advocate SR.No.47006

C.M.A.No.3500 of 2004
& CMP No.18986 of 2004

MG(CO)
GMY(13/09/2019)



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