

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.Nos.941 to 944 of 2006

& CMP Nos.3690 to 3698 of 2006

& CRP No.428 of 2006

The Branch Manager,
National Insurance Company Ltd.,
Bye Pass Road, Dharmapuri Town,
Dharmapuri District

.. Appellant in all CMAs/2nd respondent
& Petitioner in CRP No.428/2006

Versus

1. Muthusamy	... R-1 in CMA No.941/2006/Petitioner
2. Raja	... R-1 in CMA No.942/2006/Petitioner
3. Mani	... R-1 in CMA No.943/2006/Petitioner
4. P.Vajiravelu	... R-1 in CMA No.944/2006/Petitioner
5. M.P.Gopal	... R-1 in CRP No.428/2006/Petitioner
5. K.Baskaran	... R-2 in all CMAs & CRP No.428/2006/1 st respondent

Civil Miscellaneous Appeals preferred under section 173 of the Motor Vehicles Act, 1988, against the judgments and decrees made in MACTOP.Nos.163, 165, 166 & 279 of 2002, respectively, on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Dharmapuri, dated 11.07.2005.

Civil Revision petition filed under Article 227 of the Constitution of India against the judgment and decree dated 11.07.2005 made in MCOP No.17 of 2002 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Dharmapuri.

For Appellant in all CMAs
& for petitioner in CRP: Mr. D.Bhaskaran
For R-1 in all CMAs
& for R-1 in CRP : Mr. V.R.Anna Gandhi

C O M M O N J U D G M E N T

In respect of an accident that took place on 04.06.2001 at 14.15 hrs, in Harur to Morappur Road, near Oomaiya Garden, between the bus bearing Registration No.TN29-N-0754 and the lorry bearing Registration No.KA14-9091, belonging to the first respondent herein and insured with the second respondent herein, the claimants, who were travelling in the Bus, sustained grievous injuries all over the body.

2. For the injuries sustained by them, the claimant(s) / Injured / first respondent(s) herein claimed sums of Rs.20,000/-, Rs.20,000/-, Rs.50,000/- and Rs.2,00,000/- as compensation before the Claims Tribunal. As against the claims made, the Tribunal passed a common award for sums of Rs.10,000/-, Rs.10,000/-, Rs.50,000/- and Rs.50,000/- in MCOP Nos.163, 165, 166 and 279 of 2002, which was challenged by the Insurance Company in CMA Nos.941 to 944 of 2006 respectively. Also, as against the award made in MCOP No.17 of 2002, a Civil Revision Petition was filed by the Insurance Company in CRP No.428 of 2006, in which the claimant was awarded with a sum of Rs.6,000/- as compensation.

3. The first respondent(s) in the Civil Miscellaneous Appeals and Civil Revision Petition are the claimants before the Tribunal.

4. The learned counsel for the appellant / Insurance Company contended that: a) the claimants have not furnished any particulars about the nature of injuries sustained and period of treatment taken by them, except the wound certificates; b) the Tribunal ought to have relied on the evidence of R.W.2 and Exs.R-1 to R-4 and held that there is no cause of action for the claimants to maintain the said claims.

5. On the other hand, the learned counsel for the claimants / respective first respondent(s) submitted that the Claims Tribunal has considered the materials available on record and has awarded just compensation, which does not require any interference by this Court.

6. This Court has considered the submissions made by the learned counsel for both sides and perused the materials available on record.

7. A perusal of the common award passed by the Claims Tribunal would go to show that the Tribunal has considered the nature of injuries, period of treatment and the impact of injury of the claimants and has given a finding that the accident had occurred only due to the rash and negligent driving of the driver of the lorry bearing Registration No.KA14-9091 and the Insurance Company was liable to compensate the claimants. For arriving at such a finding, the Tribunal based reliance on Ex.P-1-First Information Report, Ex.P-2-Accident Register and Exs.P-4 to P-8 and P-10-Wound Certificates issued by the Doctor-P.W.6, in the name of the claimants. Further, there is an evidence of the Doctor, in detail, which was discussed by the Tribunal in a threadbare manner. Hence, the contentions of the appellants herein have to be rejected and they are rejected accordingly.

8. As far as quantum is concerned, the Tribunal has awarded compensation under the heads of Transport Expenses,

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

Extra Nourishment, Pain and sufferings, Disablement compensation and the loss of future earnings. The heads under which the Compensation has been awarded by the Tribunal are based upon settled principles of law, weight of evidence, all probabilities of the case and on conventional basis. This Court finds no error or infirmity in arriving at the just compensation by the Tribunal.

9. 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 meager amount of compensation, 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 by the Tribunal.

10. Thus, this Court is of the view that the amount of compensation, as already awarded by the Claims Tribunal, will be fair enough to compensate the injured / claimants / first respondent(s) herein. 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 Appeals and the Civil Revision Petition are dismissed. No costs.

11. The appellant / Insurance Company shall deposit the entire compensation amounts, 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 said amount to the Savings Bank Account(s) of the claimants, forthwith, through RTGS.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

srk

To

1.The Presiding Officer,
Motor Accidents Claims Tribunal, Additional District Judge,
Dharmapuri

+lcc to Mr.D.Bhasakaran , Advocate SR.No. 47370

+lcc to Mr.V.R.Anna Gandhi , Advocate SR.No. 47190

C.M.A.Nos.941 to 944 of 2006

& CMP Nos.3690 to 3698 of 2006

& CRP No.428 of 2006

A.SK(18/02/2020)

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