

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.143 of 2001
& CMP No.2540 of 2001

Annai Sathiya Transport Corporation,
Rep. by its Managing Director,
Dharmapuri

... Appellant/Respondent

Vs.

Mr. Pancharathinam

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.09.1996 in MACT OP No.457 of 1993 on the file of the Motor Accident Claims Tribunal, Sub Court, Krishnagiri.

For Appellant : Mr. S.N.Vasanthakumar

J U D G M E N T

As against the claim made for a sum of Rs.1,00,000/- by the injured / claimant, the Tribunal has passed an award for a sum of Rs.50,000/-. Challenging the same as exorbitant, the Transport Corporation has filed this Appeal.

2. The main contention raised by the learned counsel for the appellant / Transport Corporation is that the Tribunal ought not to have granted a sum of Rs.50,000/- as compensation for the injured, who was aged 62 and who did not produce any document to prove his avocation / business.

3. A perusal of the award passed by the Tribunal would go to show that on the side of the claimant, Exs.P-1 to P-3 were marked and P.Ws.1 to 3, the claimant and two doctors, with whom the claimant has taken treatment were examined. There is also an observation that the claimant, apart from injuries all over the body, has suffered fractures at left foot by 10x3x3 cms, right hand by 2x2 cms and fractures at left leg in 2, 3 Medadar Bone. The Tribunal has also observed that the claimant has taken treatment at Government Hospital, Krishnagiri and later at St. John's Hospital, Bengaluru.

4. From the materials placed before the Tribunal, it has chosen to award a sum of Rs.50,000/- as compensation 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. The findings rendered by the Tribunal are based on documentary evidence produced by the claimant.

5. The appellant herein has not chosen to adduce any evidence controverting the evidence produced by the claimant / injured. When a particular fact is within the special knowledge of the appellant, it is the duty of the appellant to produce the best evidence, but that evidence has not been produced by the appellant herein.

6. However the fact remains that the accident had taken place in the year 1991. After two decades and more, it may not be proper to interfere with the quantum of compensation of Rs.50,000/-, 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 by the Tribunal.

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

8. 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.

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

srk

To

1.The Subordinate Judge

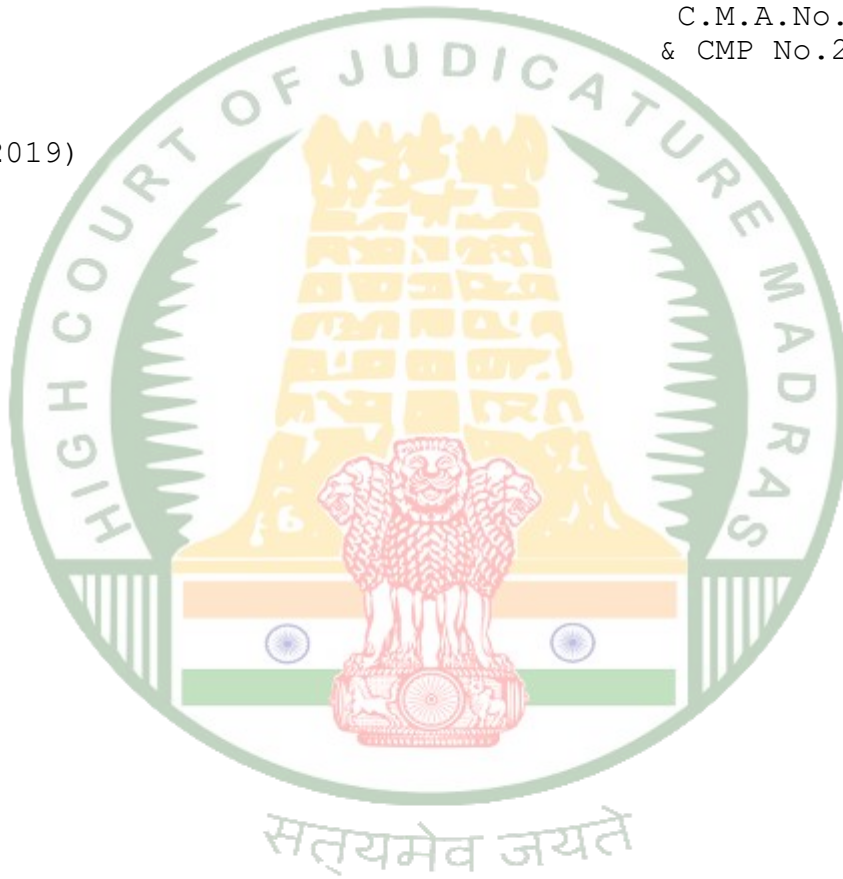
Motor Accident Claims Tribunal, Krishnagiri.

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

+1 CC to Mr.S.V. Vasantha Kumar, Advocate sr 46114.

C.M.A.No.143 of 2001
& CMP No.2540 of 2001

KK(CO)
SP(25/09/2019)



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