

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1539 of 2002

The Assistant Divisional Engineer (H & RW),
Inspection and Planning Sub-Division,
Chennai - 25.

...Appellant/Respondent

.Vs.

D.Murugesu Pandian

...Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 11.09.2001 passed in MCOP.No.3919 of 1998 on the file of the Motor Accident Claims Tribunal / VI - Small Causes Court, Chennai.

For Appellant : Mr.S.Jaganathan
Government Advocate

For Respondent : Mr.K.Ponnusamy for
M/s.Anand & Surya

JUDGMENT

The appellant, the Assistant Divisional Engineer (H & RW), Inspection and Planning Sub-Division, who is the respondent in MCOP.No.3919 of 1998 on the file of the Motor Accident Claims Tribunal / VI Judge, Small Causes Court, Chennai has filed the present appeal. The respondent / claimant filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.2,50,000/- for the injuries sustained by him in a road accident on 31.03.1998.

2. The case of the respondent / claimant is that on 31.03.1998, he was walking along Rajaji Salai, Chennai and at about 06.30 p.m, a speeding Ambassdor Car bearing Registration No.TCV 2926 belonging to the appellant, hit the claimant, as a result of which, he fell down and sustained injuries all over his body.

3. According to the claimant, the rash and negligent driving of the driver of the car bearing Registration No.TCV 2926 belonging to the appellant was the cause of the accident and therefore, the appellant is liable to pay the compensation.

4. The appellant contested the claim petition. The learned Motor Accident Claims Tribunal / VI Judge, Small Causes Court, Chennai after analysing the evidence on record, awarded a compensation of Rs.1,28,675/- together with interest at the rate of 9% per annum from the date of the claim petition. Aggrieved over the orders passed by the Tribunal, the appellant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Though many grounds were urged in the appeal, Mr.S.Jaganathan, Government Advocate appearing for the respondent / claimant restricted his arguments only with regard to the liability to pay compensation. His specific contention is that the appellant was not at all involved in the accident as alleged by the claimant.

6. A perusal of the records shows that FIR was registered against the driver of the car belonging to the appellant and after full investigation the Sub Inspector of Police, Elephant Gate Police Station had laid a final report against the driver of the car before VIII Metropolitan Magistrate Court, Chennai. Moreover, in the circumstances it cannot be said that the appellant's vehicle was not involved in the accident especially when no action was initiated against the police. It is pertinent to point out that the car belonged to the Government Department and there is no reason for the police to falsely implicate the appellant's car. The Tribunal after analysing the oral and documentary evidence adduced on both sides had also held that the driver of the car belonging to the appellant was rash and negligent while driving his car and all the observations made by the Tribunal are perfectly in order and I do not see any reason to interfere with the same. Therefore the appeal is dismissed.

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The appellant, The Assistant Divisional Engineer (H & RW), Inspection and Planning Sub-Division, is directed to deposit the compensation amount i.e., Rs.1,28,675/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.3919 of 1998 on the file of the Motor Accident Claims Tribunal / VI - Small Causes Court,

Chennai within a period of four weeks from the date of receipt of a copy of this order.

(iii) On such deposit being made, the respondent / claimant is at liberty to withdraw the same after following due process of law.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mtl

To

The VI Judge,
The Motor Accidents Claims Tribunal,
Chennai.

Copy To

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.Anand & Surya, Advocate, S.R.No. 86120
+1cc to the Special Government Pleader(C.S), S.R.No. 86584

CMA.No.1539 of 2002

SV(CO)
GN(09/09/2020)

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