



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.M.P. (MD) No.2091 of 2019

in

CMA(MD).No.SR6245 of 2019

The General Manager
Tamil Nadu State Transport Corporation
Kumbakonam : Petitioner/Appellant

Vs.

R.Renganathan :Respondent/Petitioner

PRAYER in C.M.P(MD).No.2091 of 2019: Civil Miscellaneous Petition has been filed under Order 173(1) of Motor Vehicle Act 1911 to condone the delay of 2745 days in filing the Civil Miscellaneous Appeal against the judgment and decree dated 31.03.2011 in M.C.O.P.No.142 of 2010 on the file of the Motor Accident Claims Tribunal Cum Chief Judicial Magistrate Court, Thanjavur, Kumbakonam.

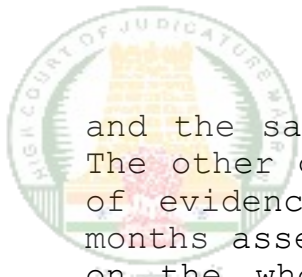
PRAYER in C.M.A(MD).SR.No.6245 of 2019: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree passed in M.C.O.P.No.142 of 2010, dated 31.03.2011 on the file of the Motor Accident Claims Tribunal Cum Chief Judicial Magistrate Court, Thanjavur at Kumbakonam.

For Appellant : Mr.M.Prakash

JUDGMENT

This Civil Miscellaneous Petition has been preferred to condone the delay of 2745 days in filing the Civil Miscellaneous Appeal against the judgment and decree dated 31.03.2011 in M.C.O.P.No.142 of 2010 on the file of the Motor Accident Claims Tribunal Cum Chief Judicial Magistrate Court, Thanjavur, Kumbakonam.

2.The civil miscellaneous appeal has been preferred by the Petitioner/Tamil Nadu State Transport Corporation on the ground that the Tribunal has awarded a sum of Rs.35,000/-towards medical bills



and the said amount is not tallied with the medical prescriptions. The other grievance raised by the petitioner is that in the absence of evidence and documents, the income of the claimant for three months assessed by the Tribunal at Rs.9,000/- is highly improper and on the whole, the total compensation of Rs.1,32,000/- is highly excessive.

3. On perusal of records, it is observed that M.C.O.P.No.142 of 2010 has been filed for claiming a compensation of Rs.6,00,000/-, but the learned Tribunal has awarded only a sum of Rs.1,32,000/-. It is seen from the records that the claimant sustained grievous injuries and has also incurred medical expenses as well as the loss of income. The Tribunal has very much analyzed various aspects that the claimant underwent for surgery, accident register and the nature of injuries sustained by him.

4. The Tribunal after analyzing the evidence and documents placed before it, has awarded a sum of Rs.1,32,000/- is very reasonable against the claim of Rs.6,00,000/- Aggrieved against the award, the petitioner/Tamil Nadu State Transport Corporation has preferred this appeal with delay of 2745 day in filing the civil miscellaneous appeal.

5. On perusal of records, it is observed that the date of accident is 18.08.2008 and the claim application was filed in the year 2010 and the award was passed in the year 2011. Now the petitioner/Tamil Nadu State Transport Corporation has filed this appeal with delay of 2745 days, which shows that the petitioner/Tamil Nadu State Transport Corporation only with a view to cause inconvenience to the claimant, who was awarded with reasonable sum of Rs.1,32,000/- against the claim of Rs.6,00,000/-.

6. In view of the above, there is no merit in this petition for condoning the delay of 2745 days in filing the civil miscellaneous appeal. If really the petitioner is aggrieved against the award, he would have preferred the appeal at the earliest.

7. Considering the abnormal delay, this Civil Miscellaneous Petition is dismissed. The award passed in M.C.O.P.No.142 of 2010 on the file of the Motor Accident Claims Tribunal Cum Chief Judicial Magistrate Court, Thanjavur, Kumbakonam is confirmed. The petitioner/Tamil Nadu State Transport Corporation is directed to deposit the award amount with accrued interests from the date of petition till the date of deposit into the Court, less the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being made, the claimant is permitted to withdraw the award amount along with proportionate accrued interests as awarded by the Tribunal, without filing any formal petition before the Court below. No



8. In view of the order passed in CMP(MD)No.2091 of 2019, the connected C.M.A. (MD)SR.No.6245 of 2019 is rejected at the SR stage itself.

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Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS)

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To

1. The Motor Accident Claims Tribunal Cum
Chief Judicial Magistrate Court,
Thanjavur, Kumbakonam.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai (2 copies).

+1CC to Mr.M.PRAKASH, Advocate, SR.No.53866

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in
CMA (MD) .No.SR6245 of 2019
13.03.2019

ES/DS/02.05.2019/3P/5C