

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.07.2020
CORAM
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No. 3299 of 2009
and
MP No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation,
Vellore,
Vellore District.

... Appellant/Respondent

versus

K.Murugesan

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award made in MCOP No.189 of 2007, dated 27.11.2008 on the file of the Motor Vehicles Accident Claims Tribunal, Additional District & Sessions Judge, FTC, Vellore.

For Appellant : Mr.K.J.Shivakumar
For Respondent : No appearance

JUDGMENT

(This Appeal was taken up for hearing through Video Conferencing)

This appeal has been filed challenging the award dated 27.11.2008 passed by the Motor Accidents Claims Tribunal, Additional District & Sessions Judge, FTC, Tirupattur, Vellore in MCOP No.189 of 2007. सत्यमेव जयते

Brief facts leading to the filing of the Civil Miscellaneous Appeal :

2. On 13.08.2003, while the respondent /claimant travelled as a pillion rider in a Hero Honda Motor Bike, the bus belonging to the Appellant / Transport Corporation bearing Registration No.TN 23/N1015 hit the said bike. As a result of the accident, the respondent sustained fracture injury in his left leg. Hence, he preferred a claim seeking for compensation for the injuries sustained by him before Motor Accident Claims Tribunal in MCOP No.189 of 2007.

3. The Motor Accidents Claims Tribunal (Additional District & Sessions Judge, FTC, Tirpattur, Vellore) by its award dated 27.11.2008 passed in M.C.O.P. No.189 of 2007, directed the Appellant / Transport Corporation to pay the respondent a sum of Rs.60,000/- together with interest and costs. Aggrieved by the same, this appeal has been preferred by the Appellant / Transport Corporation.

4. The Appellant / Transport Corporation has filed this appeal, challenging the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive.

5. Heard Mr.K.J.Shivakumar, learned counsel for the appellant. The respondent has been duly served and his name has also been printed in the cause list. However, there is no representation on his side.

6. This Court has perused and examined the impugned award.
Discussion :

7. Before the Tribunal, the respondent / claimant has filed ten documents, which were marked as Exs.P1 to P10, which includes Disability Certificate and three witnesses were also examined on his side.

8. The Tribunal based on the Disability Certificate has assessed the Disability of the respondent / claimant at 30% and has awarded a sum of Rs.30,000/- towards Disability Compensation. The claimant sustained fracture injury in his left leg and due to which, he could be not able to work and walk like what he was earlier. Admittedly, no contra evidence has been produced by the Appellant / Transport Corporation to disprove the contention of the respondent / claimant.

9. The Tribunal has rightly considered the materials and the evidence available on record and has assessed the compensation at Rs.60,000/- for the accident that took place in the year 2003.

10. Considering all the above factors and also considering fact that the year of the accident is 2003 and the amount awarded by the Tribunal is only for a sum of Rs.60,000/-, this Court is of the considered view that no useful purpose would be served if the amount awarded is interferred at this stage, after a period of almost seventeen years that too when the award passed by the Tribunal is for a meagre sum of Rs.60,000/- together with interests and costs.

Conclusion :

11. For the forgoing reasons, this Court is of the view that there is no merit in this appeal and the Civil Miscellaneous

Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12. The Appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.189 of 2007, on the file of the Additional District & Sessions Judge, FTC, Tirupattur, Vellore, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondent / claimant through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi2

To :

The Motor Accidents Claims Tribunal,
Additional District & Sessions Judge, FTC,
Tirupattur, Vellore.

Copy to: The Section Officer,
V.R. Section,
High Court, Madras - 104.

C.M.A. No.3299 of 2009

BP(CO)
CSR 21.04.2021

सत्यमेव जयते

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