

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1289 of 2010

and

M.P.No.1 of 2010

(Through Video Conferencing)

Metropolitan Transport Corporation Ltd.,
rep. by its Managing Director,
Pallavan Salai,
Chennai - 600 002.

...Appellant/Respondent

Vs.

C.K.Ethirajan

..Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.257 of 2001, dated 25.10.2004, on the file of the Motor Accidents Claims Tribunal, Small Causes Vth Judge, Chennai.

For Appellant : Mr.Prithiviraj
for Mr.K.Moorthy

JUDGMENT

Though the present appeal is of the year 2010, till date notice on the sole respondent/claimant has remained unserved. During the interregnum, several counsels have changed for the appellant/State Transport Corporation. Since, no adverse orders are proposed to be passed by the respondent/claimant, this appeal is taken up for final disposal.

2. The State Transport Corporation is the appellant in this appeal. It is aggrieved by the impugned Judgment and Decree dated 25.10.2004, passed by the Motor Accidents Claims Tribunal, Small Causes Court No.V, Chennai in M.C.O.P.No.257 of 2001.

3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.1,84,300/- as compensation payable to the respondent/claimant, together with interest at 7.5% per annum from the date of filing of the claim petition, till the date of payment, against the total claim of Rs.3,00,000/- claimed by the respondent/claimant who was aged about 53 years at the time of accident.

4. The case of the respondent/claimant was that he met with an accident on 24.01.2000 at about 11.00 hours near MIT Gate, G.S.T Road, Chroampet, when he was knocked down by the bus belonging to the appellant/State Transport Corporation. Consequently, he sustained fractures on leg fibula with lacerated wound over the let forearm and left thigh, head injury and multiple injuries all over the body.

5. The Tribunal after considering the evidences on record has awarded the aforesaid compensation under the following heads:-

<i>Heads of Compensation</i>	<i>Amount Awarded by the Tribunal</i>
Loss of Income	Rs.52,000/-
Transport Expenses	Rs. 2,000/-
Extra Nourishment	Rs. 5,000/-
Medical Expenses	Rs.65,300/-
Pain and Sufferings	Rs.15,000/-
Partial permanent disability	Rs.45,000/-
Total	Rs.1,84,300/-

It is noticed that the Tribunal has considered the evidences on record and come to a fair conclusion, while the aforesaid compensation for the injuries suffered by the respondent/claimant.

6. In the light of the above reason, I find no merits in the present appeal. Therefore, the present appeal filed by the appellant/State Transport Corporation is liable to be dismissed. However, interest awarded at 9% from the date of claim petition is exorbitant, since the accident is of the year 2000 and the impugned order came to be passed on 25.10.2004 and the appeal was filed with a delay of 8 months i.e., on 15.07.2005.

7. Therefore, the interest awarded at 9% stands confirmed up to the date of filing of the appeal. Since, the interest rates have been rationalized from the year 2005, the interest on the delay in payment for a period after 31st March 2005 is to be computed and payable at 7.5%.

8. The appellant/State Transport Corporation is therefore directed to pay the amount awarded by the Tribunal together with interest at 9% as was awarded up to the date of appeal. Thereafter, the interest shall be calculated at 7.5% (Reducing the interest from 7.5%).

9. The appellant/State Transport Corporation is therefore directed to deposit the compensation together with interest at 9% as was awarded up to the date of appeal and thereafter, the interest at 7.5% per annum from 31.03.2005, less the amount already deposited if any, within a period of eight weeks from the date of receipt of the copy of this Judgment.

10. On deposit of the award amount, the respondent/claimant is entitled to withdraw the same together with interest as directed by the Tribunal, less any amount already withdrawn, by filing suitable application before Tribunal.

11. With the above observation and direction, this Civil Miscellaneous Appeal is dismissed. Consequently, the connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Motor Accidents Claims Tribunal,
Small Causes Vth Judge, Chennai.

Copy to : The Section Officer, V.R.Section,
High Court, Chennai.

+1cc to Mr.K.Moorthy, Advocate SR.NO..34653

AKM/15.03.21/3P-4C/

सत्यमेव जयते

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