



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.12.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.519 of 2009

and

M.P(MD)No.1 of 2009

P.K.R.Singaravelu

.. Appellant/1st Respondent

vs.

1.Masilamani

.. Respondent/Claimant

2.Balasubramani

.. Respondent/2nd Respondent

3.Kannan

.. Respondent/3rd Respondent

4.Laxmanan

.. Respondent/4th Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, against the Judgment and Decreetal Order made in M.C.O.P.No.333 of 2003 dated 22.08.2008 by the Motor Accidents Claims Tribunal, Additional Subordinate Court, Tenkasi.

For Appellant

:Mr.T.S.Mohamed Mohideen

For R1

:Mr.Abdul Wahab

For R3

:Mr.K.Swamidurai

For R2&R4

:No Appearance

J U D G M E N T

This appeal is directed against the judgment and award passed by the Motor Accidents Claims Tribunal, Additional Subordinate Court, Tenkasi in M.C.O.P.No.333 of 2003, dated 22.08.2008.

2. The first respondent herein was the claimant in the above M.C.O.P.No.333 of 2003. It is his case that on 02.12.2001 he was returning after attending his relatives family function and when he was proceeding on the extreme left of the Thar road, a TVS Champ bearing Registration No.TN-72-X-0283 owned by the appellant came in a high speed and hit against him, in which, he sustained injuries and immediately, he was rushed to Government Hospital, Kadayanallur. It is his further case that for about 7 days he took treatment as Inpatient and thereby, his life was saved. Alleging that the accident had taken place due to the rash and negligent driving of the driver of the TVS Champ, the claimant laid a petition, claiming compensation of Rs.81,000/-.



3. The appellant in whose name the vehicle was registered appeared before the Tribunal and stated that even on 16.07.1998 itself he sold the vehicle to the third respondent Kannan, who in turn sold the vehicle to the fourth respondent Laxmanan. The Tribunal rejected the case of the appellant and following the principle laid down in **2001 ACJ (5) 2059**, held that the appellant is liable to pay the total award amount of Rs.18,000/- along with interest at the rate of 7.5% p.a.

4. It appears that the claimant sustained three injuries and his disability was assessed at 20%. The doctor, who gave a disability certificate Ex.P9, was examined as P.W.2. However, the Tribunal has taken the disability at 10% and awarded a sum of Rs.10,000/- for permanent disability, Rs.3,000/- for extra nourishment and Rs.5,000/- for pain and suffering.

5. In the present appeal, the quantum awarded by the Tribunal is not disputed but the liability of the appellant in paying the compensation alone is disputed.

6. It is well settled that the definition of the 'owner' under the Motor Vehicles Act was already considered and this Court in the judgment referred to above, held that in whose name the vehicle stands registered, is also liable to pay the compensation. Therefore, there is no infirmity in the findings rendered by the Tribunal fixing the liability on the appellant.

7. In that view, the Civil Miscellaneous Appeal is dismissed, as devoid of merits. Since the appeal is dismissed, the appellant is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the first respondent/claimant is permitted to withdraw the award amount by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Tenkasi.
- 2.The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.S.Mohamed Mohideen , Advocate SR.No.25822

JUDGMENT MADE IN
C.M.A(MD) No.519 of 2009
14.12.2020

KM (18.01.2021) 3P 5C