



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

CMA.No.3224 of 2021

and

CMP.No.18391 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Bye Pass Road,
Madurai - 625 010.

... Appellant/2nd Respondent

vs.

Gunasekaran (Died)

1. Baby

2. Lavanya

3. Prabhu

4. Balasubramani

... Respondents/1 & 3 Petitioners

... Respondent/Respondent-I

Prayer: Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 02.07.2019 made in M.C.O.P.No.1593 of 2015 on the file of the Motor Accident Claims Tribunal, Special Sub-Judge, Coimbatore.

For Appellants : Mr.D.Venkatachalam

ORDER

This Appeal has been filed by the Transport Corporation, challenging the award of the Motor Accident Claims Tribunal, Coimbatore dated 02.07.2019, in and by which the Tribunal granted Rs.7,97,600/- (Seven Lakhs Ninety Seven Thousand and Six Hundred Only) for the death one Mr.Gunasekaran due to the injuries suffered by him in an accident that took place in 02.04.2015. Though the accident took place on 02.04.2015 and the death occurred on 16.11.2016, the Tribunal had considered the cause of the death and come to the conclusion that the death was caused because of the injuries suffered at the accident and hence, the Transport Corporation is liable to pay compensation for the death of the said Gunasekaran.



2. Heard Mr.D.Venkatachalam, learned counsel for the petitioner / Transport Corporation.

3. Mr.D.Venkatachalam, learned counsel appearing for the Transport Corporation would vehemently contend that considering the time gap between the accident and the death, the Corporation cannot be held liable for the death of the individual and the compensation awarded treating it as a fatal case is not justified. The learned counsel would draw my attention to the findings of the Tribunal and contend that they are not based on evidence.

4. The Tribunal has considered the reason for the death based on medical evidence. Ex.P10, which is the discharge summary shows that the death was due to cardiac arrest, which resulted from the infection caused by the injuries in the lower limbs. There is nothing in the evidence to dispute the correctness of the Ex.P10, the discharge summary, which was issued by a premier medical institution in Coimbatore. Hence, I do not find any irregularity or illegality in the award of the Tribunal in order to enable me to entertain this appeal. The learned counsel for the Appellant is unable to question the quantum. This Civil Miscellaneous Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kkn
To:-

The Motor Accident Claims Tribunal,
Special Sub-Judge, Coimbatore.

+1cc to Mr.D.Venkatachalam, Advocate Sr.58462
+1cc to Mr.R.Navaneetha Krishnan, Advocate Sr.58485

C.M.A.No.3224 of 2021
and CMP.No.18391 of 2021

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srg 04/01/2022