



C.M.A.No.1210 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.1210 of 2018

N.Raju

... Appellant

VS.

Director of Rural Development and Panchayat,
Panagal Building,
Saidapet-15.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 07.11.2017 made in M.A.C.T.O.P.No.3689 of 2013 on the file of the Motor Accident Claims Tribunal and Special Sub-Court No.1, Chennai.

For Appellant	: Ms.A.Subadra
For Respondent	: Ms.P.Vijaya Devi for Sole Respondent

JUDGMENT

The claimant has challenged the award passed by the Motor Accident Claims Tribunal, Special Sub-Court No.1, Chennai in M.A.C.T.O.P.No.3689



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of 2013 on the limited ground that the Tribunal has fastened 10% contributory negligence upon the petitioner since he had failed to file the First Information Report.

2. Heard the learned counsel for the appellant and the learned counsel for the respondent and perused the materials on record.

3. The reasoning for fastening 10% liability on the petitioner is that he has not lodged the F.I.R., this in my considered view is a total erroneous finding since an F.I.R., can be filed by any one who has witnessed the accident and it is not mandatory that the F.I.R., has to be registered by the injured themselves or by the legal representatives of any person died in the accident. Therefore, the award insofar as it fastens contributory negligence on the petitioner has to be set aside.

4. In the result, this Civil Miscellaneous Appeal is allowed and the finding of the Tribunal below fastened 10% liability upon the petitioner is set aside and the respondent is directed to pay the entire sum awarded by the Tribunal for a sum of Rs.5,64,000/- to the credit of M.C.O.P.No.3689 of



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2013 on the file of the Motor Accident Claims Tribunal, Special Sub-Court

No.1, Chennai, together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs, less, the amount, if any already deposited, within a period of four weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimant is permitted to withdraw the amount now determined by this Court, as apportioned by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal. The claimant is directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall not disburse the enhanced amount till such time as the certified copy showing proof of payment of Court fee has been produced by the claimant. No costs.

31.10.2022

Index : Yes/No

Speaking / Non-speaking order

ssn



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P.T.ASHA, J.,

ssn

To:

- 1.The Director of Rural Development and Panchayat,
Panagal Building,
Saidapet-15.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

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