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C.M.A.No.3269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.3269 of 2024
and
C.M.P.Nos.27508 and 27512 of 2024

Chief Civil Surgeon Medical Officer,
Government Hospital,
Virudhachalam

... Appellant

Vs.

E.Elamaran

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgment and decree passed by the Motor Vehicle Accident Claims Tribunal on the file of the Motor Accident Claims Tribunal / Special Subordinate Court, Cuddalore in M.C.O.P.No.391 of 2019 vide order dated 03.10.2023.

For Appellant : Mr.P.Gurunathan, AGP

For Respondent : Mrs.Ramya.V.Rao



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document was marked as Ex.C.1. After adjudication, the Tribunal awarded a sum of Rs.45,000/- as compensation to the claimant. Challenging the same, the appellant / owner of the Omni bus has preferred the present appeal as against the quantum of compensation fixed by the Tribunal.

4. The learned counsel appearing for the appellant / owner of the Omni bus submitted that, though the injuries sustained by the claimant are simple in nature, however, the Tribunal has awarded a total compensation of Rs.45,000/- which is *per se* unsustainable. Accordingly, he prayed for passing appropriate orders.

5. The learned counsel for the respondent / claimant submits that by considering all the relevant documents, the Tribunal has rightly awarded the compensation, which does not require any enhancement. Accordingly, he prayed for dismissal of the appeal.

6. Heard the learned counsel appearing for the appellant and the learned counsel for the respondent and perused the materials available on



7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. Admittedly the accident happened on 18.01.2019. In order to prove the said incident, the claimant has examined independent eye witnesses as P.W.1. and P.W.2 who categorically deposed before the Tribunal that the accident had occurred solely due to the driver of the appellant's Omni bus. However, in order to prove the same, no independent eye witness has been examined on behalf of the appellant / owner and upon perusing the oral and documentary evidence, the Tribunal has awarded a sum of Rs.45,000/- to be payable by the appellant / owner, which is just and reasonable and the same does not require any interference.

8. For the reasons aforesaid, this Appeal stands dismissed, confirming the award passed by the tribunal in MCOP.No.391 of 2019 dated 03.10.2023 and the appellant / owner is directed to deposit the compensation of **Rs.45,000/-** awarded by the tribunal to the credit of M.C.O.P.No.391 of 2019 along with interest at the rate of 7.5% per



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annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the Tribunal is directed to transfer the said amount to the respondent directly to his bank account through RTGS within a period of two (2) weeks thereafter. It is underscored that the appellants are not entitled to any interest for the default period, if any. There shall be no order as to costs in this appeal. Consequently, connected miscellaneous petitions are closed.

13.12.2024

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
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M.DHANDAPANI, J.



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To

1. Motor Accident Claims Tribunal / Special Subordinate Court, Cuddalore
2. The Section Officer, V.R.Section, High Court, Madras.

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