



C.R.P.(MD)No.2163 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2163 of 2024

and

C.M.P.(MD)No.12292 of 2024

- 1.The Assistant Director,
Government Hospital,
Ramanathapuram Town,
Ramanathapuram Taluk and District.
- 2.The Head Medical Officer,
Government Hospital,
Rameswaram Taluk,
Ramanathapuram District.
- 3.The State represented by its District Collector,
Sethupathy Nagar,
Ramanathapuram Taluk and District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Henthamathana Barvatham Road,
Rameswaram,
Ramanathauram Taluk and District.



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5.The Executive Engineer,
Public Works Department,
Kochin - Dhanuskodi Road,
Pattinamkathan,
Ramanathapuram District

... Petitioners

Vs.

Mariya Soosai Anthoniyammal (Died)

1.Arockiya Samy
2.Jospine Stella
3.Sahaya Babirani
4.Amutha Ackniciyal

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 30.04.2024, passed in I.A.No.1 of 2024 in unnumbered A.S.No. of 2024 on the file of the Principal District Court, Ramanathapuram.

For Petitioners : Mr.V.Om Prakash
Government Advocate
R1 : Died
For R2 to R4 : Mr.J.M.Hassanul Bazari

ORDER

The present civil revision petition is filed against the order, dated 30.04.2024, passed in I.A.No.1 of 2024 in unnumbered A.S.No. of 2024 on the file of the Principal District Court, Ramanathapuram.



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2.The suit is filed by the respondents herein for claiming compensation of Rs.3,00,000/- with 6% interest. The brief facts are that the 1st plaintiff was having diabetes and hypertension and in order to get treatment she went to Government Hospital, Rameshwaram. On 18.08.2013 the 1st plaintiff had fever, hence on 19.08.2013 she was admitted as inpatient as per doctor's advice. On 29.08.2013 unfortunately the roof of the concrete construction fell on her, hence FIR was preferred for the said accident. The said accident was published as news item in Dinamalar Newspaper on 30.08.2013. Finally, she was discharged on 10.09.2013 with an advice for further treatment at Madurai. But due to financial status the 1st plaintiff continued the treatment at Rameswaram itself and went to private doctor namely, Dr.Govindaraj, an Artho Specialist. Wherein the said Doctor has given a certificate that there is a "compression of D7 vertebral body with marrow edema" and also "pre and para vertebral hematoma extending from superior border of D6 inferior border of D8 vertebral bodies" and also stated there is blood clot and shrinking of spinal cord. Due to this permanent disability, the 1st plaintiff could not carry on the activities of a normal person. The contention of the 1st plaintiff is that due to the said the accident that occurred in Government Hospital,



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Rameshwaram she is having the permanent disability. Hence, she has filed a suit claiming Rs.3,00,000/- as compensation with 6% interest.

3. The revision petitioner herein has filed counter stating that inspite of such unfortunate accident, she was admitted in the same Government Hospital and was given treatment by the Government and the expenses were borne by the Government. Without prejudice to the said objection, the defendants have also challenged the method of calculation of the compensation and claimed that the plaintiff is not entitled to the compensation.

4. After hearing the parties and referring to the evidences submitted by both the parties, the Trial Court has allowed the suit directing the Government to pay Rs.3,00,000/- with 9% interest for the period from the date of the accident until the date of the judgment in the suit and 6% for the subsequent period. Aggrieved over the same, the Government had preferred an appeal but with a petition to condone the delay of 193 days. After considering the same, the Appellate Court has stated that proper reason is not be stated and the appellant had not explained



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the delay for each and every day and dismissed the I.A. in condone delay stage itself. Aggrieved over the same, the present civil revision petition is filed.

5. After hearing the arguments, this Court is of the considered opinion that the Courts have repeatedly held that each and every day of delay need not be explained. Further the appeal is filed by the government and 193 days delay is not a huge delay. Therefore, this is Court is inclined to allow the civil revision petition.

6. However, after perusing the merits of the plaintiff's claim, this Court is of the considered opinion that rather than remanding the case, the issue raised in the appeal may be considered here itself, since the same would end the litigation and also meet the ends of justice. Hence this Court proceeds to considering the case on merits.



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7. On merits, the contention of the government is that the Court had granted 9% interest which is huge and unreasonable and the same is not legally sustainable. Therefore, this Court is inclined to grant relief on the issue of rate of interest.

8. Further, after the accident, the Government has taken care and has given free treatment to the person. Therefore, when the expenses were borne by the Government, it is unnecessary to grant any interest. Further Rs.2,75,000/- would be a fair, just and appropriate compensation. The 3rd petitioner herein, i.e., the District Collector is directed to pay Rs.2,75,000/- to the respondents through demand draft on or before 15.11.2024.

9. It is submitted that pending the civil revision petition, the 1st respondent, i.e., Arockiya Samy, who is the husband of victim Mariya Soosai Anthoniyammal died and his legal heirs, are already on record as respondents 2 to 4. Therefore, a separate petition to implead the legal heirs of the 1st respondent is not necessary



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and it is sufficient to record the said fact. The said amount of Rs.2,75,000/- shall be equally divided among the respondents 2 to 4.

10. With the above said observations, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.Principal District Court,
Ramanathapuram.

2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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