



WEB COPY



CMA.Nos.1126 and 1132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA Nos.1126 and 1132 of 2025 and
CMP Nos.9288 and 9332 of 2025

1. Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

2. The Deputy Secretary to Government,
Public (MVII) Department, Secretariat,
Chennai 600 009.

... Appellants in Both
CMAs

Vs.

Ravi

... Respondent in
CMA No.1126 of 2025

Rani

... Respondent in
CMA No.1132 of 2025

Prayer in CMA No.1126 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to set aside the judgement and decree dated 27.08.2024 passed in MCOP No.1915 of 2017, by the II Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai



CMA.Nos.1126 and 1132 of 2025

Prayer in CMA No.1132 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to set aside the judgment and decree dated 27.08.2024 passed in MCOP No.1916 of 2017 by the II Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai

In both CMAs

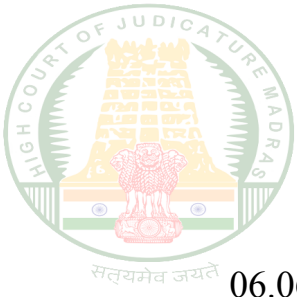
For appellants : Mr.C.Sathish, Government Advocate

COMMON JUDGMENT

These two civil miscellaneous appeals are filed by the appellants, challenging the award passed by the II Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai in MCOP Nos.1915 and 1916 of 2017, dated 27.08.2024.

2. Since both the appeals have arisen out of the same accident, these appeals are taken up for hearing together.

3. The respondent in the respective appeals filed claim petitions in MCOP Nos.1915 and 1916 of 2017 respectively, seeking compensation for the injuries suffered by them in a road accident that had taken place on 06.06.2001. According to the claimants, on



CMA.Nos.1126 and 1132 of 2025

WEB COPY

06.06.2001 at about 11.00 a.m., when they were crossing the Kamarajar Salai, near Kannagi Statue signal, that too in a pedestrian crossing from West to East direction, the vehicle belonging to the appellants/respondents came from South to North direction in a rash and negligent manner and hit against the claimants. As a result of accident, the respondent/ claimant in CMA No.1126 of 2025 had sustained simple injuries and the respondent/claimant in CMA No.1132 of 2025 had suffered fracture injuries in her left ankle. Therefore, the claim petitions were filed by both of them seeking compensation before the Tribunal.

4. The claim petitions were resisted by the appellants only on the ground that there was a delay of 17 years in filing the claim petitions. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the appellants and the compensation payable to the respondent/claimant in CMA No.1126 of 2025 and CMA No.1132 of 2025 were quantified at Rs.25,000/- and Rs.30,000/- respectively. Aggrieved by the same, the appellants have come before this court.

5. The learned counsel for the appellants vehemently contended



CMA.Nos.1126 and 1132 of 2025

WEB COPY

that the accident had occurred on 06.06.2001 and the claim petitions were filed only in the year 2017. Therefore, the Tribunal ought not have entertained the claim petitions. It is seen from the typed set of papers that the accident had occurred on 06.06.2001 and the FIR was registered against the driver of the appellants vehicle on 20.07.2001 and the same has been marked as Ex.P2. Therefore, it is clear that the FIR was registered against the driver of the appellants vehicle as early as on 20.07.2001. It was urged by the learned counsel for the respondents/claimants before the Tribunal that initially, the police officials were reluctant to register the FIR and the same was registered only after much efforts taken by the claimants. The out patient chit issued by the Government Hospital, which was marked as Ex.P3 would suggest that the respondent/ claimant in CMA No.1126/2025 suffered simple injuries. The Ex.P9 discharge summary and Ex.P10 out patient chit issued to the respondent/claimant in CMA No.1132 of 2025 would suggest that she suffered the following fracture injuries.

*"Grade-II compound left ankle, ankle Trimalleolar Fracture
and left leg lacerated wound exposing of bones"*

6. From the registration of FIR against the driver of the appellants and the medical records produced by the respondents/



CMA.Nos.1126 and 1132 of 2025

WEB COPY

claimants, we can safely come to the conclusion that the respondents/claimants suffered injuries due to the accident involving the vehicle belonging to the appellants. The Tribunal, based on the evidence of PW1, PW2 and the contents of FIR- Ex.P2, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the appellants. Merely because there was a delay in approaching the Tribunal, the genuine claims of the respondents/claimants seeking compensation cannot be negated, especially when the vehicle involved in the accident belonging to the State. As per the law prevailed at the relevant point of time, there was no limitation for filing the claim petition. Therefore, the Tribunal was justified in entertaining the claim petitions and quantified the compensation payable to the respondents/claimants.

7. The respondent/claimant in CMA No.1126 of 2025 had suffered only simple injuries. Therefore, the Tribunal fixed a lump sum of Rs.25,000/- as compensation to him and the same appears to be reasonable. Therefore, the award passed by the Tribunal in MCOP No.1915 of 2017, dated 27.08.2024 is affirmed.



CMA.Nos.1126 and 1132 of 2025

WEB COPY

8. Though the respondent/claimant in CMA No.1132 of 2025 suffered fracture injuries, as stated supra, she had failed to appear before the Medical Board and get disability certificate from the competitive Medical Board. Therefore, the Tribunal, taking into consideration the grievous injuries suffered by her, fixed a sum of Rs.30,000/- as compensation and the same appears to be reasonable. Hence, the the award passed by the Tribunal in MCOP No.1916 of 2017, dated 27.08.2024 is also affirmed.

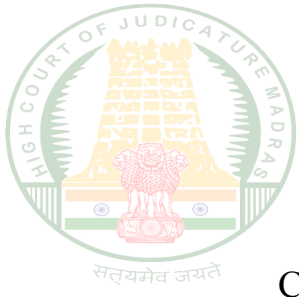
9. In view of the discussions made earlier, the civil miscellaneous appeals in CMA Nos.1126 and 1132 of 2025 are dismissed, affirming the award passed by the Tribunal. Connected miscellaneous petitions are closed. There shall be no order as to costs.

22.04.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mst

To

1. The II Judge,
Motor Accident Claims Tribunal,



CMA.Nos.1126 and 1132 of 2025

Court of Small Causes, Chennai.

WEB COPY

2. The Section Officer,
V.R.Section, Madras High Court.



WEB COPY



CMA.Nos.1126 and 1132 of 2025

S.SOUNTCHAR, J.

mst

CMA Nos.1126 and 1132 of 2025

22.04.2025