

S. Dasaradhan Vs. E. Chellappan and anr.

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Court : Chennai

Decided On : Sep-17-2003

Reported in : I(2004)ACC279; 2004ACJ521

Judge : V. Kanagaraj, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 166

Appeal No. : Civil Revision Petition No. 1539 of 2002

Appellant : S. Dasaradhan

Respondent : E. Chellappan and anr.

Advocate for Def. : K.S. Narasimhan, Adv.

Advocate for Pet/Ap. : V. Mohan Chowdry, Adv.

Disposition : Revision petition allowed

Judgement :

V. Kanagaraj, J.

1. This petition has been filed praying to set aside the order dated 25.6.2002 made in M.P. No. 32 of 2002 in M.A.C.T.O.P. No. 473 of 1999 on the file of the Motor Accidents Claims Tribunal (Additional District Judge-cum-Fast Track Judge-I), Chennai.

2. The case of the petitioner is that claiming Rs. 10,00,000 as compensation for the grievous injuries caused to the petitioner in the motor accident that took place on 29.7.1998 at 9.15 hours, he filed M.A.C.T.O.P. No. 473 of 1999 on the file of the Motor Accidents Claims Tribunal, Chennai; that while undergoing treatment, he filed the claim petition; that now, the petitioner is totally deformed and crippled and he is on loss of pay, since he is leading a vegetation life; that he sought to claim enhanced compensation under several heads at Rs. 40,00,000 instead of Rs. 10,00,000 claimed originally; that the trial court dismissed the petition on the ground that no supporting document had been filed and there was no justifiable ground to amend the claim made in the petition. Against that order, this revision is filed.

3. Petitioner's contentions are that the disability or deformity that has occurred to him on account of the accident since being a genuine one, though at the time of filing of the claim application before the Motor Accidents Claims Tribunal below, he could not have reasonably foreseen that the total deformity would occur to him and, therefore, he claimed only compensation of Rs. 10,00,000 and that later came to be established that the deformity was total and, therefore, he has to necessarily enhance the claim for a sum of Rs. 40,00,000 from Rs. 10,00,000.

4. The lower court has dismissed the application on the only ground that he came late for such enhancement, three years after filing of the application and without being supported by any documentary evidence and, therefore, based on the only reason that his contention is not genuine, has dismissed the application, which is not correct. Moreover, in such matters of this nature, the courts are expected to be liberal in permitting the petitioners to claim more and in spite of that only based on reasons assigned and established in evidence, the Tribunal is going to grant the relief and just for the simple reason that the compensation amount is enhanced, it is not incumbent on the part of the trial court to grant that much amount and, therefore, there is nothing wrong in permitting the petitioner to enhance the said amount and hence, the following order:

In result,

(i) the above civil revision petition succeeds and the same is allowed setting aside the order dated 25.6.2002 made in M.P. No. 32 of 2002 by the Motor Accidents Claims Tribunal, Chennai in M.A.C.T.O.P. No. 473 of 1999.

(ii) the petitioner is permitted to amend the petition to the prayers of the petition which is allowed.

(iii) Consequently, C.M.P. No. 13303 of 2002 is closed.

(iv) No costs.

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