

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.12.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. NO. 3418 OF 2017

G.Albonse (Dead)
1. A.Sagayamary
2. A.Martin Mariyal
3. Minor Lasser .. Appellants/Petitioner

- Vs -

Managing Director
Andhra Pradesh State Road
Transport Corporation
Hyderabad. ... Respondent/Respondent

Civil Miscellaneous Appeal filed u/s 173 of the Motor Vehicles Act against the judgment and decree dated 30.09.2008 passed by the Motor Accident Claims Tribunal (Addl. District Judge, FTC-II), Cuddalore, made in MCOP No.11 of 2017.

For Appellants : Mr. S.Chakravarthi
For Respondent : Ms. G.V.Shobha

JUDGMENT

Aggrieved by the inadequate compensation awarded by the Tribunal, the appellants have filed the present appeal seeking enhancement.

2. The facts in the present case are not in dispute. The Transport Corporation has also not questioned its liability to pay the compensation, as would be evident in their not filing any appeal even after a lapse of around 7 years from the date of passing of the award.

3. The grounds raised by the appellants are that the monthly income should have been fixed at Rs.6,500/=, that the adoption of multiplier is wrong and that the compensation awarded for loss of love and affection and loss of consortium are also on the very low side.

4. Though grounds shown above have been raised, however, even when the petition to condone the delay was taken up, learned counsel appearing for the appellants submitted that the appellants would be satisfied if the respondent/Transport Corporation deposits the award amount and the appellants are permitted to withdraw the said amount.

5. On 1.9.2017, when the matter was taken up for disposal, it was submitted on behalf of the appellants that the respondent/Transport Corporation has neither deposited the amount awarded nor filed any appeal challenging the said award and, therefore, left with no other alternative, the appellants were forced to file this appeal so that this Court can atleast direct the respondent/Transport Corporation to deposit the award amount as even after a lapse of almost 7 years, the respondent had not deposited the amount. In such a scenario, this Court directed the respondent to deposit the entire award amount along with accrued interest within a particular time frame. It is submitted by the learned counsel appearing for the respondent that the order passed by this Court for depositing the amount has been duly complied with, which is confirmed by the learned counsel for the appellants as well.

6. In such circumstances, the appellants being satisfied with the deposit of the amount and does not intend to proceed with their appeal for enhancement, this Court is not inclined to dwell into the merits of this appeal. Accordingly, this appeal is dismissed. However, there shall be no order as to costs.

7. The Tribunal is directed to transfer the amount deposited by the respondent to the credit of the claim petition to the bank account ***of the second claimant A.Sagayamary, W/o.Albonse** through RTGS, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-VIII)
dt.20.2.2018

*Corrected as per order dt.13.4.2018

and made in CMA.3418/17

Sd/-

Assistant Registrar (CS VIII)
dt.20.4.2018

//True Copy//

Sub Assistant Registrar

GLN

To
The Addl. District Judge-
Fast Track Court - II
(Motor Accident Claims Tribunal)
Cuddalore.

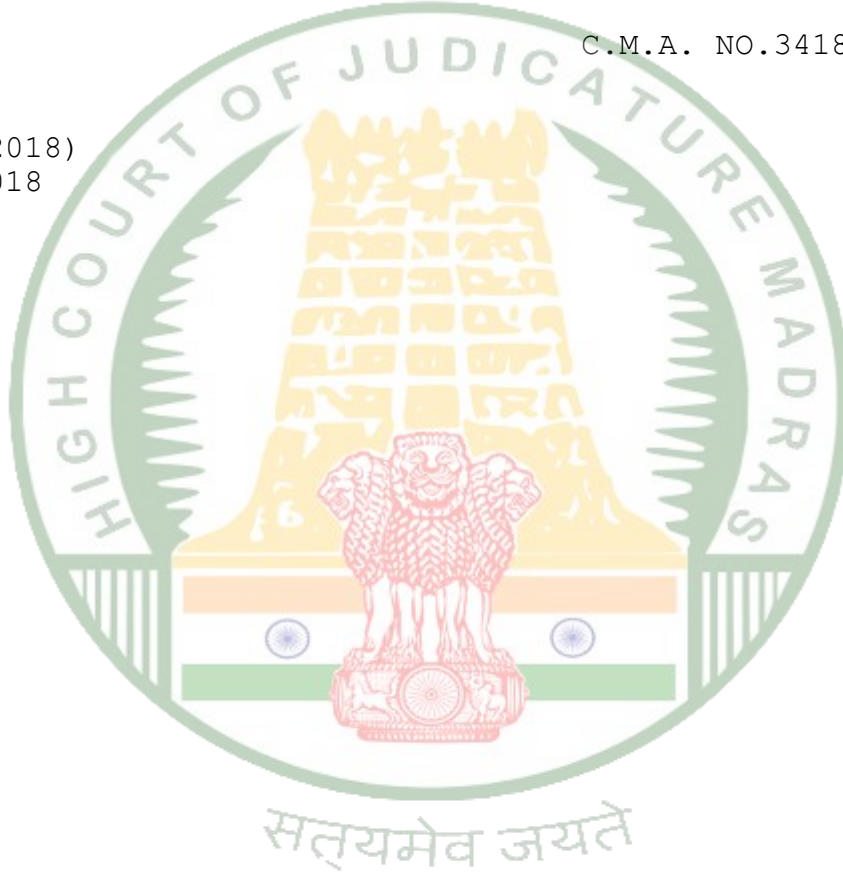
To be substituted to the order
already despatched on 28.3.18

2. The Section Officer,
V.R. Section, High Court, Madras.
(2 copies)

+1cc to Mr.G.V.SHOBA, Advocate, S.R.No. 89098
+1cc to Mr.S.Chakravarthi, Advocate Sr.No.28190

C.M.A. NO.3418 OF 2017

kk(CO)
TR(12/03/2018)
sm:20.4.2018



WEB COPY