



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2017

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. (MD) Nos. 79 to 81 of 2017

and

C.M.P. (MD) Nos. 692 to 694 of 2017

The District Police Superintendent,
District Police Office,
Theni.

.. Appellant in all C.M.As. /
1st Respondent in
M.C.O.P. Nos. 23 to 25
of 2014

Vs.

1. K. Vijayalakshmi

.. 1st Respondent
in C.M.A. (MD) No. 79 of 2014/
Petitioner in
M.C.O.P. No. 23 of 2014

2. M. Ramarmohan

3. The Branch Manager,
New India Assurance Co. Ltd.,
674, Periakulam Road,
Theni.

.. Respondents 2 and 3
in C.M.A. (MD) No. 79 of 2014/
Respondents 2 and 3
in M.C.O.P. No. 23 of 2014

1. Karunaivelrajan

.. 1st Respondent
in C.M.A. (MD) No. 80 of 2014/
Petitioner in
M.C.O.P. No. 24 of 2014

2. M. Ramarmohan

3. The Branch Manager,
New India Assurance Co. Ltd.,
674, Periakulam Road,
Theni.

.. Respondents 2 and 3
in C.M.A. (MD) No. 80 of 2014 /
Respondents 2 and 3
in M.C.O.P. No. 24 of 2014



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1.Panchavarnammal

.. 1st Respondent
in C.M.A.(MD)No.81 of 2014/
Petitioner in
M.C.O.P.No.25 of 2014

2.M.Ramarmohan

3.The Branch Manager,
New India Assurance Co. Ltd.,
674, Periakulam Road,
Theni.

.. Respondents 2 and 3
in C.M.A.(MD)No.81 of 2014/
Respondents 2 and 3
in M.C.O.P.No.25 of 2014

Prayer in all C.M.A.s:- Appeals filed under Section 173 of the Motor Vehicles Act, against the award dated 18.02.2015, passed in M.C.O.P. Nos.23, 24 and 25 of 2014 by the learned Chief Judicial Magistrate [Motor Accident Claims Tribunal], Theni.

For Appellant : Mr.M.Murugan
(in all the C.M.As.) Government Advocate

For Respondent No.3 : Mrs.P.Malini
(in all the C.M.As.)

Mr.R.Suriya Narayanan for Caveator

COMMON JUDGMENT

All these Civil Miscellaneous Appeals have been filed by the appellant/first respondent against the common award dated 18.02.2015, passed in M.C.O.P.Nos.23, 24 and 25 of 2014 by the learned Chief Judicial Magistrate [Motor Accident Claims Tribunal], Theni.

2.All these Civil Miscellaneous Appeals arise out of compensation awarded due to the accident that took place on 15.10.2013. The issue involved in all these matters is one and the same and therefore, all the cases are disposed of by this common judgment.

3.The appellant is the first respondent in all the M.C.O.Ps. The first respondent in all the C.M.As. are the claimants. The second respondent is the owner of the vehicle, which involved in the accident and the third respondent is the Insurer of the vehicle.



4. For the sake of convenience, the parties are referred to according to their litigative status before the Tribunal.

5. According to the claimants, on 15.10.2013, at 09.45 p.m., when they were travelling in a Tata Indica Vista Car, bearing Registration No.TN-60-F-2910, belonging to the second respondent, insured with the third respondent from south to north, a Tata Sumo, bearing Registration No.TN-60-G-281, belonging to the first respondent/appellant, came in the opposite direction, driven by its driver in a rash and negligent manner and dashed against the car, in which, the claimants were travelling and caused accident and thereby, the claimants sustained multiple injuries all over their bodies. They took treatment as inpatient and claimed the respective compensation amounts in their claim petitions. The claimants in M.C.O.P.Nos.23 and 24 of 2014 were running a Provisional Store and earning a sum of Rs.10,000/- per month. Due to the injuries suffered, they were not able to do any work as done prior to the accident. Therefore, they claimed the respective compensation amounts in their claim petitions.

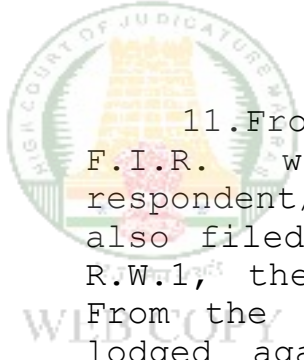
6. The first respondent/appellant and the third respondent filed separate counter statements and blamed the driver of both the vehicles responsible for the accident. They also claimed the driver of the second respondent did not have valid driving licence and the amount claimed is excessive.

7. Before the Tribunal, the claimants examined themselves as P.Ws.1 to 3 and one Manoharan was examined as P.W.4 and Dr.Vijayakumaran, was examined as P.W.5 and marked 18 documents as Exs.P.1 to P.18. The appellant/first respondent and third respondent examined the driver of both the vehicles as R.W.1 and R.W.2 and they did not mark any document. Apart from the above documents, on the side of the witnesses, four documents were marked as Exs.W.1 to W.4.

8. The Tribunal based on the pleadings, oral and documentary evidence let in by the parties and Ex.P.1 - F.I.R., held that the driver of the first respondent/appellant is responsible for the accident. The Tribunal extracted the relevant portion of the evidence of R.W.1 and R.W.2. Considering the nature of injuries suffered by the claimants, the Tribunal awarded compensation for the injuries and awarded compensation on other heads.

9. Against the said award, dated 18.02.2015, the present Civil Miscellaneous Appeals have been filed.

10. The Bench heard the learned counsel appearing for the parties and perused the materials available on record.



11. From the materials available on record, it is seen that the F.I.R. was lodged against the driver of the first respondent/appellant. After investigation, a charge sheet was also filed against the driver of the first respondent/appellant. R.W.1, the driver of the first respondent admitted this fact. From the evidence of R.W.1, it is seen that no complaint was lodged against him alleging that he was responsible for the accident. The Tribunal considering the admission of R.W.1 and the fact that no complaint was lodged against R.W.2, the driver of the second respondent, held that the accident took place only due to rash and negligent driving by the driver of the first respondent/appellant. The Tribunal has given valid reason for the said conclusion. Therefore, the said finding is confirmed.

12. As far as the quantum of compensation is concerned, the Tribunal considering the injuries suffered by the claimants and the nature of treatment taken by them and considering Exs.P.3, P.4, P.6, P.8, P.9, P.11 and P.12, awarded compensation under various heads and the same is not excessive and it is only a just compensation.

13. In the result, all the Civil Miscellaneous Appeals are dismissed. The appellant is directed to deposit the respective entire award amount(s) to the credit of M.C.O.P.Nos.23 to 25 of 2014, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Theni, less the amount already deposited, if any, along with interest @ 7.5% p.a., from the date of petition till the date of realisation and proportionate costs, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit, the Tribunal is directed to transfer the respective award amount(s) to the Personal Savings Bank Account Number of the respective claimants, after getting their Account Details, within a period of two weeks thereafter. No costs. Consequently, all the connected Civil Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

The Chief Judicial Magistrate,

Motor Accident Claims Tribunal, Theni.

Copy to:- The Record Keeper, V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+One cc to The Special Government Pleader, SR.No.14385

+3ccs to Mr.R.Surinarayanan, Advocate, SR.No.14214

+One cc to M/s.P.Malini, Advocate, SR.No.14202

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RL/8C/4P/SV/MMS/SAR2/5.4.2017

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