



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.870 of 2016

1.Chinnappan (died) ... Appellant
2.Rajam
3.Baskar
4.Suresh
5.Sugunadevi
6.Sumathidevi ... Appellants/
LRs of deceased sole Appellant

(Appellant Nos.2 to 6 are impleaded vide C.M.P.(MD)No.
10871 of 2017, dated 24.11.2017)

Vs.

1.Sundar

2.The Branch Manager,
National Insurance Company Ltd.,
T.Nagar,
Chennai. ... Respondents / Respondents
(R-1 was set exparte before the Tribunal.
Hence, notice may be given up against R-1)

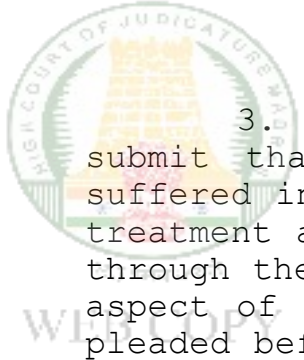
Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 to enhance the compensation to the tune of Rs.4,00,000/- in addition to the compensation awarded by the Tribunal, by modifying the judgment and decreetal order made in M.C.O.P.No.128 of 2010 dated 19.03.2013 by the Motor Accidents Claims Tribunal / Principal Sub-Court, Kumbakonam.

For Appellants	: Mr.S.Rajaprabu
For R-1	: Exparte
For R-2	: Mr.N.S.Ramakrishna Dass

J U D G M E N T

Heard the learned counsel on either side.

2. The injured claimant originally filed this appeal seeking enhancement of the compensation awarded to him by the Tribunal. For the injuries suffered by the claimant, a sum of Rs.30,000/- was awarded. During the pendency of this appeal, the injured claimant passed away. It is only his legal heirs, who are on record.



3. The learned counsel appearing for the claimants would submit that in the accident the original claimant had actually suffered injuries in his eye which necessitated him to take further treatment and thereby incurring extra expenditure. But when I went through the petition filed before the Tribunal, it is seen that this aspect of the matter was not at all mentioned. What has not been pleaded before the Tribunal cannot be orally argued here. Hence, I find no merit in this Civil Miscellaneous Appeal. The Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The the Motor Accidents Claims Tribunal /
Prinicpal Sub-Court, Kumbakonam.

2.The Section Officer, Vernacular Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.N.S.Ramakrishnadas, Advocate, SR.No.89392

kmi
RL/5C/2P/MR/SAR1/30/1/2018

C.M.A. (MD) No.870 of 2016

24.11.2017