

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NOS.979 TO 984 OF 2003
(6 APPEALS) & CMP NOS.6938 TO 6943 OF 2003

CMA No.979/2003:

The Managing Director, TNSTC (Vpm Div III) Ltd.,
Kancheepuram, formerly known as
PTMGR Transport Corporation Ltd., Kancheepuram,
Rep.by its Managing Director

... Appellant in all CMAs/
1st Respondent in MCOP.No.477/95, 50/96
478/95, 3rd Respondent in
MCOP.Nos.127 to 129 of 1996

Vs.

Baggiyam

..1st Respondent in CMA.979 of 2003/
Petitioner in MCOP.No.477 of 1995

R.Annamalai

.. 1st Respondent in CMA.980 of 2003,
3rd Respondent in CMA.981 of 2003,
3rd Respondent in CMA.983 of 2003,
3rd Respondent in CMA.984 of 2003/
Petitioner in MCOP.No.50/96 and 2nd
Respondent in MCOP.No.127 to 129/96

R.Visalakshi

.. 1st Respondent in CMA.981 of 2003/
Petitioner in MCOP.No.127 of 1996

M.Ravi

.. 2nd Respondent in CMA.No.981 of 2003,
2nd Respondent in CMA.No.983 of 2003,
2nd Respondent in CMA.No.984 of 2003/
1st Respondent in MCOP.No.127 to 129 of 1996

Nataraja Mudaliar

... 2nd Respondent in CMA.No.979 of 2003,
4th Respondent in CMA.No.981 of 2003,
2nd Respondent in CMA.No.982 of 2003,
4th Respondent in CMA.No.983 of 2003,
4th Respondent in CMA.No.984 of 2003/

..2nd Respondent in MCOP.No.477 & 478 of 95
and 4th Respondent in MCOP.No.127 to 129 of 1996

The Assistant Manager,
New India Assurance Co.Ltd.,
514/515 Gandhi Road,
Kanchipuram.

.. 3rd Respondent in CMA.979 of 2003,
5th Respondent in CMA.981 of 2003,
3rd Respondent in CMA.982 of 2003,
5th Respondent in CMA.983 of 2003,
5th Respondent in CMA.984 of 2003/

..3rd Respondent in MCOP.No.477 & 478 of 95
and 5th Respondent in MCOP.No.127 to 129 of 1996

M.Mangai .. 1st Respondent in CMA.982 of 2003/
Petitioner in MCOP.No.487 of 1995

Kuppammal .. 1st Respondent in CMA.No.983 of 2003/
Petitioner in MCOP.No.128 of 1996

A.N.Kumar .. 1st Respondent in CMA.984 of 2003/
Petitioner in MCOP.No.129 of 1996

Prayer:- Civil Miscellaneous Appeals filed under Section 173 of
the Motor Vehicles Act, 1988, against the judgments and decrees
dated 19.07.2001 made in MACT OP Nos.477 of 1995, 50 of 1996,
127 of 1996, 478 of 1995, 128 of 1996 and 129 of 1996,
respectively, on the file of the Motor Accident Claims Tribunal
(Subordinate Judge's Court) Kancheepuram.

For Appellant in all CMAs : Mr.P.G.Padmanabhan
For Respondents (in all CMAs) : Mr.V.K.Rajagopalan,
for R-1, Mr.S.Manohar,
for R-3 in CMA
Nos.979 & 982 of 2003

R-2 in CMA Nos.979 & 982/2003,

R-4 in CMA Nos.981/2003,

R-4 in CMA Nos.983 & 984/2003 : Died

C O M M O N J U D G M E N T

These Civil Miscellaneous Appeals are assailed against the
awards dated 19.07.2001 made in MACT OP Nos.477 of 1995, 50 of
1996, 127 of 1995, 478 of 1995, 128 of 1996 and 129 of 1996,
respectively, on the file of the Motor Accident Claims Tribunal
(Subordinate Judge's Court) Kancheepuram.

2. The appellant herein / Transport corporation submitted
that the claimants had not established the case against the
appellant, by adducing any independent evidence and hence, the

awards passed by the Tribunal are excessive and need considerable reduction. Whereas, the learned counsel appearing for the claimants / respective respondents submitted that the awards passed by the Claims Tribunal are perfectly valid and does not require any interference.

3. A perusal of the awards passed by the Claims Tribunal would go to show that the Tribunal has awarded a sum of Rs.20,000/-, Rs.30,000/-, Rs.15,000/-, Rs.20,000/-, Rs.10,000/- and Rs.10,000/-, respectively, as total compensation to the injured / claimants / respective first respondent (in the appeals).

4. Be that as it may. This Court is of the view that the accident, in these cases, had taken place in the year 1995. The prices have escalated manifold and there is reduction in the value of money from the year 1995 to till date.

5. Added to the above, till these appeals are taken up for hearing there are no appeals filed by the claimants. Had these appeals been taken up at the earliest point of time, there are scope for enhancement also, even in the absence of an independent appeals or cross-appeals. After the lapse of decades, it may not be appropriate to enhance or reduce the quantum of compensation awarded. Further, the amount of compensation awarded under the circumstances can be said to be less and not more. Therefore, the appeals have no acceptable grounds.

6. In view of the above, the Appeals have no merits and therefore, this Civil Miscellaneous Appeals are dismissed, confirming the awards of the Claims Tribunal.

7. The appellant / Transport Corporation is directed to deposit the compensation amount along with interests and costs, as awarded by the Tribunal, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer such amount to the Savings Bank Accounts of the injured / claimants, through RTGS, forthwith. No costs. Consequently, the connected CMPs are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal (Sub Court)
Kancheepuram.

Copy To
The Section Officer,
VR Section, High Court,
Madras-104.

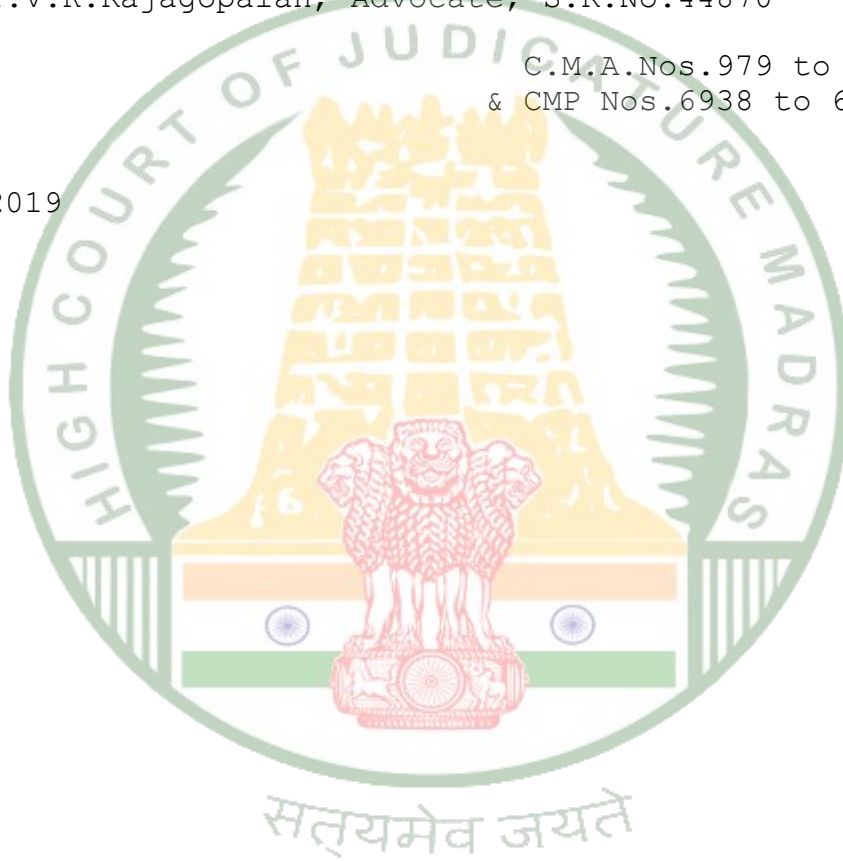
+1cc to Mr.P.G.Padmanabhan, Advocate, S.R.No.44545

+1cc to Mr.S.Manohar, Advocate, S.R.No.44657

+1cc to Mr.V.K.Rajagopalan, Advocate, S.R.No.44870

C.M.A.Nos.979 to 984 of 2003
& CMP Nos.6938 to 6943 of 2003

SAI (CO)
CS/21/10/2019



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