

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NOS.857 OF 2004
&
2376 OF 2003

Miss. M.Shahinaz, Minor
aged 15 years, Rep. by her father and natural
guardian, Mr. Mohamed Kasim

... Appellant in CMA No.2376/2003
/Claimant

Mrs.Ayeisha Gani

... Appellant in CMA No.857/2004
/Claimant

Vs

1.Mr.A.Abraham Jayakumar

2.M/s.New India Assurance Company Limited,
Represented by its Branch Manager,
Opp.to Central Theatre, Tirunelveli 627 001

3.Mrs.Hasina

4.M/s.United India Insurance Co. Ltd.,
Perambalur

... Respondents in both CMAs

Prayer:-

Appeals under Section 173 of the Motor Vehicles Act against
the award and decree dated 21.11.2002 made in MCOP Nos.363 and
362 of 2000 on the file of the Motor Accidents Claims Tribunal,
Additional District Judge cum Chief Judicial Magistrate,
Perambalur.

For Appellant in both CMAs : Mr.Hajee P.K.Jamal

For Respondents in both CMAs: M/s.R.Sreevidhya, for R-2,
Mr.N.Vijayaraghavan, for R-4.

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

Since the manner of accident, insured, insurer and claimants are placed identically, these Appeals are taken up together and a common judgment is passed.

2. The learned counsel for appellant and respondents 2 and 4, in both the Appeals, at the outset, submitted that in respect of the very same accident, MCOP No.361 of 2000 has been filed by one claimant, M.Munavar Ali, claiming compensation of Rs.3,00,000/- and the Tribunal based on the evidence and documents account has awarded a sum of Rs.80,000/- payable by respondents 2 and 4 herein in equal proportion. The said award was challenged before this Court in CMA No.1234 of 2004, which was settled before the Lok Adalat, on 12.03.2016, for a sum of Rs.1,20,000/- in full quit.

3. The learned counsel for both sides prays for a similar award to be passed in these Appeals.

4. Hence, without going into the merits or otherwise of the Appeals, the following directions are issued in these Appeals:-

(i) The award and decree dated 21.11.2002 made in MCOP No.362 of 2000 on the file of the Motor Accidents Claims Tribunal, Additional District Judge cum Chief Judicial Magistrate, Permabalur, which is challenged in CMA No.857 of 2004, is set-aside and in a place of total compensation of Rs.80,000/- along with interest at the rate of 9% per annum from the date of petition till the date of deposit, a sum of Rs.1,20,000/- is hereby awarded (in full quit) inclusive of interest and costs.

(ii) The award and decree dated 21.11.2002 made in MCOP No.363 of 2000 on the file of the Motor Accidents Claims Tribunal, Additional District Judge cum Chief Judicial Magistrate, Permabalur, which is challenged in CMA No.2376 of 2003, is set-aside and in the place of total compensation of Rs.40,000/- along with interest at the rate of 9% per annum from the date of petition till the date of deposit, a sum of Rs.60,000/- is awarded (in full quit) inclusive of interest and costs.

(iii) The second respondent and the fourth respondent herein shall deposit the said compensation amount in the ratio of 50:50, before the Tribunal, within a period of four weeks from the date on which

the copy of the judgment is made ready by this Court, failing which interest at the rate of 7.5% per annum shall be calculated for the default period and paid by the Insurers.

(iv) The Tribunal is directed to transfer the deposited amounts to the respective Savings Bank Accounts of the claimants/appellants, within one week thereafter, through RTGS.

5. With the above directions, these Appeals are disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accidents Claims Tribunal,
Additional District Judge cum
Chief Judicial Magistrate, Permabalur
2. The Section Officer,
V.R.Section, High Court, Madras.

+lcc to Mr.Hajee P.K.Jamal, Advocate, S.R.No.72517

C.M.A.Nos.857 of 2004 & 2376 of 2003

RR(CO)
CS/13/10/2020

सत्यमेव जयते

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