

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.Nos.2087 to 2091 of 2008

The National Insurance Co. Ltd.,
Namakkal. ...Appellant in all CMAs

vs.

1.Tmt. Sundarammal
2.Thiru.D.Ganesh
3.Thiru.P.Kulandaivel ... Respondents in CMA.No.2087 of 2008

1.Mrs.Palaniammal
2.Thiru.D.Ganesh
3.Thiru.P.Kulandaivel ... Respondents in CMA.No.2088 of 2008

1.Thiru.Rangadurai
2.Thiru.D.Ganesh
3.Thiru.P.Kulandaivel ... Respondents in CMA.No.2089 of 2008

1.Mrs.Palaniammal
2.Thiru.D.Ganesh
3.Thiru.P.Kulandaivel ... Respondents in CMA.No.2090 of 2008

1.Mrs.Kaniammal
2.Thiru.D.Ganesh
3.Thiru.P.Kulandaivel ... Respondents in CMA.No.2091 of 2008

PRAYER: These Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgement dated 05.01.2007 passed in MCOP.Nos.43 of 2004, 601, 602, 603 & 604, 605 of 2005, on the file of the Motor Accident Claims Tribunal / Additional District cum Sessions Court, Fast Track Court No.III (Full Additional Charge), Dharapuram, Coimbatore District.

For Appellant in all CMAs : Mr.J.Chandran

For Respondents in all CMAs : Mr.Ma.Pa.Thangavel for R1
No appearance for R2 & R3

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

These appeals are filed by the National Insurance Company Limited, the third respondent in MCOP.Nos.43 of 2004, 601, 602, 603 & 604 of 2005, on the file of the Motor Accident Claims Tribunal / Additional District cum Sessions Court, Fast Track Court No.III (Full Additional Charge), Dharapuram, Coimbatore District. The claimants in all the MCOP.Nos.43 of 2004, 601, 602, 603 & 604 of 2005 sought compensation for the injuries sustained by them in a road accident on 15.09.2000.

2. The case of the claimants is that on 15.09.2000, they were travelling in a lorry bearing Registration No. TN 28 B 0855 as loadmen and the driver of the lorry drove the vehicle rashly and negligently and lost control over the lorry, as a result whereof, the lorry capsized and they sustained injuries.

3. The Tribunal after analysing the evidence on record, awarded a compensation of Rs.10,000/- each for all the claimants.

4. Though many grounds were raised in the appeal, Mr.J.Chandran, learned counsel appearing for the appellant restricted his arguments only with regard to the quantum of compensation.

5. A perusal of the records and the orders passed by the Tribunal shows that the Tribunal awarded just compensation of Rs.10,000/- each for the claimants and by no stretch of imagination, the award can be said to be exorbitant, considering the nature of injuries sustained by them. Therefore, the orders passed by the Tribunal is upheld.

6. In the result,

(i) All the Civil Miscellaneous Appeals are dismissed.
No costs.

(ii) The appellant, National Insurance Company Limited is directed to deposit the compensation amount i.e., Rs.10,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.Nos.43 of 2004, 601, 602, 603 & 604 of 2005, on the file of the Motor Accident Claims Tribunal / Additional District cum Sessions Court, Fast Track Court No.III (Full Additional Charge), Dharapuram, Coimbatore District within a period of two weeks from the date of receipt of a copy of this order.

(iii) On such deposit being made, the claimants are at liberty to withdraw the same after following due process of law.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

mtl

To

1) The Motor Accidents Claims Tribunal,
The Additional District cum Sessions Judge,
Fast Track Court No.III (Full Additional Charge),
Dharapuram,
Coimbatore District.

2) The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.Ma.Pa.Thangavel, Advocate SR.No.38537

CMA.Nos.2087 to 2091 of 2008

GMV (08/01/2020)

सत्यमेव जयते

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