

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.3519 of 2006

1.Ponnammal
2.Deivathal
3.Jayamani
4.Jayalakshmi

... Appellants/Claimants

Vs.

1.C.Palanisamy

2.National Insurance Co-Ltd.,
62, T.V.S. Chetty Street,
Erode - 618 001.

3.Kumarasamy
(1st Respondent given up in this CMA)

... Respondents/ Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 03.08.2004 made in M.C.O.P.No.307 of 1991 on the file of Motor Accident Claims Tribunal, I Additional Sub-Court, Erode.

For Appellants: Mr.N.Manokaran
For R2 : Mrs.Sree Vidhya
For R1 : given up

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 03.08.2004 made in M.C.O.P.No.307 of 1991 on the file of Motor Accident Claims Tribunal, I Additional Sub-Court, Erode.

2. In respect of an accident that took place on 17.10.1990, the deceased Karupanna Gounder, while walking on N.H. 47, Main Road, sustained multiple grievous injuries and succumbed to the injuries. It is stated that the death was due to the accident caused which was on account of the rash and negligent driving of the first respondent, who drove the auto rickshaw. Stating so, the legal representatives of the deceased have filed M.C.O.P.No.307 of 1991 before the Motor Accident Claims Tribunal, I Additional Sub-Court, Erode, claiming a sum of

Rs.3,00,000/- as compensation.

3.The Tribunal, after framing the issues and on consideration of oral and documentary evidence adduced, awarded the total compensation of Rs.25,000/- payable by respondents 2 and 3 to the appellants herein.

4. Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the second respondent and perused all the materials available on record.

5. After some arguments, the learned counsel for the appellants / claimants submitted that the appellants would be agreeable for a consolidated compensation amount of Rs.2.50 lakhs in full quit (inclusive of interests and costs).

6. The learned counsel for the second respondent / Insurance Company is also agreeable for such course of action.

7. In such view of the matter, this appeal stands disposed of fixing the compensation payable by the respondents 2 and 3 to the appellants herein as Rs.2.50 lakhs in full quit. The Insurance Company is directed to deposit the said sum within a period of four weeks from the date of receipt of copy of this judgment, less the amount already deposited if any. If the Insurance Company fails to deposit the said amount, as directed, the compensation amount of Rs.2.50 lakhs would be payable with 7% interest till the date of deposit. On such deposit, the Tribunal shall transfer the said amount to the Savings Bank Accounts of the appellants/claimants within one week thereafter through RTGS, as per the ratio of apportionment made by the claimant's Tribunal. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srk / gbi

To

1.The I Additional Sub-Judge,
Motor Accident Claims Tribunal,Erode.

2.The Section Officer,
V.R.Section, High Court, Chennai.

+1cc to Mr.N.Manokaran , Advocate SR.No. 52506

+1cc to M/s.R.Sreevidhya , Advocate SR.No. 52241

C.M.A.No.3519 of 2006

gmr

A.SK(11/02/2020)