

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. Nos.3657 to 3660 of 2010

1. S. Sudhakar ... Appellant in C.M.A.No.3657 of 2010
2. T.Uyyaravelu ... Appellant in C.M.A.No.3658 of 2010
3. D.Sankar ... Appellant in C.M.A.No.3659 of 2010
4. J. Umapathi ... Appellant in C.M.A.No.3660 of 2010

Versus

1. The Managing Director,
Tamil Nadu State Transport corporation Ltd.,
Division II, No.1 & 2, Sheikpet Nadu Street,
Kancheepuram.
2. Mr.A.M. Munusamy Mudaliar,
proprietor, Sri Bharathi Roadways,
No. 146, I.P. Area Thirupathi,
Chittor District, Andhra Pradesh 522 501.
3. The Divisional Manager,
United India Insurance Co. Ltd.,
Motor Third party Claim
Office No.66-68, Gandhi Road,
Kancheepuram. ... Respondents in all appeals.

Prayer in C.M.A.No.3657 of 2010: This Appeal is filed under Section 173 of Motor Vehicles Act,1988 to modify the Judgment and Decree dated 31.03.2010 made in M.C.O.P.No.110 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram and enhance the compensation from Rs.6,350/- to Rs.50,000/- to the appellant herein and allow this appeal.

Prayer in C.M.A.No.3658 of 2010: This Appeal is filed under Section 173 of Motor Vehicles Act,1988 to modify the Judgment and Decree dated 31.03.2010 made in M.C.O.P.No.122 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram and enhance the compensation from Rs.2,350/- to Rs.50,000/- to the appellant herein and allow this appeal.

Prayer in C.M.A.No.3659 of 2010: This Appeal is filed under Section 173 of Motor Vehicles Act,1988 to modify the Judgment and Decree dated 31.03.2010 made in M.C.O.P.No.154 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram and enhance the compensation from Rs.5,370/- to Rs.50,000/- to the appellant herein and allow this appeal.

Prayer in C.M.A.No.3660 of 2010: This Appeal is filed under Section 173 of Motor Vehicles Act,1988 to modify the Judgment and Decree dated 31.03.2010 made in M.C.O.P.No.166 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram and enhance the compensation from Rs.5,300/- to Rs.50,000/- to the appellant herein and allow this appeal.

For Appellants :Mr.V.Jaganathan
in all C.M.As

For Respondent-1 :Mr.S.Sairam
in all C.M.As

For Respondent-3 : Mr.S.Arun Kumar
in all C.M.As

COMMON JUDGMENT

These appeals have been filed against the Judgment and Decree dated 31.03.2010 made in M.C.O.P.Nos.110, 122, 154 and 166 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram to enhance the award amount.

2. On 30.11.2007, at about 5.00 p.m, while the appellants were travelling as passengers in the first respondent-Government bus bearing Reg.No.TN-32-N-2034, proceeding from Kancheepuram to Thirupathy, near Kooram Railway gate, the second respondent Bharathi Roadway bus bearing Registration No.AP-03-W-7575 came in the opposite direction at a very high speed and dashed against the Government bus, as a result of which, the appellants sustained multiple grievous injuries. Hence, the appellants filed M.C.O.P.Nos.110,122,154 and 166 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram, seeking compensation. Considering the case of the claimants, in M.C.O.P.Nos.110,122,154 and 166 of 2008, the Tribunal has awarded the compensation of Rs.6,350/-,Rs.5,370/-Rs.5,300/- and Rs.6,350/- respectively.

3. Challenging the same as excessive and disproportionate, the appellants have filed these appeals.

5. Today, when the matter is taken up for hearing, the learned counsel for the respondent produced a copy of the

Judgment in C.M.A.No.1460 of 2011 dated 01.11.2018, wherein, this Court, following the judgment dated 07.09.2018 in C.M.A.Nos.1400 to 1403 of 2011 dated 07.09.2018, dismissed the appeal in similar facts and circumstances. The relevant portion in para no.5 is extracted here under:

This Court is in agreement with the findings of the learned Single Judge of this Court in the Judgment dated 07.09.2018 passed in C.M.A.Nos.1400 to 1403 of 2011. In the light of the above said Judgment passed by the learned single Judge of this Court in C.M.A.Nos.1400 to 1403 of 2011, this appeal is also dismissed.

5. In view of the Judgment pronounced by this Court in respect of the similar cases, this Court is inclined to pass the following order:

7. In the result,

(a) this appeal is dismissed and the Judgment and Decree made in M.C.O.P.Nos.110,122,154 and 166 of 2008 on the file of the Motor Accidents Claims Tribunal (Sub Court) Kancheepuram is confirmed.

(b) the 3rd respondent/Insurance Company is directed to deposit the amount as directed by the Tribunal, less the amount, if any, already deposited, with interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this Judgment.

(c) On such deposit the appellants are permitted to withdraw the amount, by way of filing proper application before the Tribunal.

(e) There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

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To

Sub Assistant Registrar

1. The Motor Accidents Claims Tribunal,
Sub Court, Kancheepuram.

+1 cc to Mr.V.Jaganathan, Advocate, S.R.No.17925
+1 cc to Mr.S.Sairaman, Advocate, S.R.No.17735
+1 cc to Mr.S.Arunkumar, Advocate, S.R.No.17721

C.M.A. Nos.3657 to 3660 of 2010

VBA (CO)
SSM(23/05/2019)