



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2171 of 2015

S.Balasubramaniam

.. Appellant /Petitioner

Vs.

1.Govindaraj

2.Sasikumar

3.Radha Swaminathan

4.ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED,
Cover Note:00 51709746,
1st Floor, Vigneswar Gresta, 1095,
Avinashi Road, Pappanaickenpalayam,
Coimbatore - 641 037.

5.Balamurugan

6.K.Parameswaran

7.Geetha

8. M/s.THE ORIENTAL INSURANCE COMPANY LTD.,
D-5, Shan Complex, 6/996-B,
Bazaar Road, Mattancherry,
Cochin, Mattancherry,
Kerala - 682 002.

... Respondents/Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 31.12.2008 made in M.C.O.P.No.370 of 2008, on the file of the Motor Accidents Claims Tribunal-Cum-Principal Subordinate Judge of Coimbatore.

For Appellant	:	Mr.C.Deivasigamani
For R4	:	Mrs.R.Srividhya
For R8	:	Mr.S.Arunkumar

Respondents : 1 to 3 and 7, No Appearance
RR 5 and 6 Not ready in notice



J U D G M E N T

The facts of the case are that on 04.08.2007, the appellant/ claimant along with his father-in-law was travelling in the Route No.11 bus bearing Reg.No.TN-38-AE-7777 belonging to the seventh respondent and insured with the eight respondent insurance company, in North Coimbatore. One another bus bearing Reg.No.TN- 38-AC-2323 (Route No.4) belonging to the third respondent and insured with the fourth respondent insurance company, was standing in the middle of the road. When the bus bearing Reg.No.TN-38-E-7777 was stopped and the appellant and his father-in-law were trying to get down from the bus at North Coimbatore, all of a sudden the first respondent/driver moved the bus and as a result, the back portion of the said bus dashed on the back side of Route No.4 bus. Due to the said impact, the appellant sustained grievous injuries. He filed a claim petition before the Tribunal claiming a sum of Rs.9,00,000/- as compensation. On consideration of the materials and evidence available on record, the Tribunal had given a finding that the accident had occurred only due to the rash and negligent driving of the drivers of both the buses and accordingly directed the driver, conductor, owner and the insurer of both the vehicles to pay the compensation jointly and severally, and awarded a total compensation of Rs.1,08,000/- with interest at the rate of 7.5% per annum from the date of petition.

2.Challenging the same, the appellant has come up with this appeal for enhancement of compensation.

3.Today, when the matter is taken up for hearing, the learned counsel for the respondents 4 and 8/insurance companies have agreed to settle this issue with a compensation of Rs.9,00,000/- with interest at the rate of 7.5% per annum from the date of petition, taking note of the percentage of permanent disability sustained and the period of treatment undergone by the appellant/claimant and the same has been accepted by the learned counsel for the appellant / claimant.

4.In view of the above, the compensation awarded by the Tribunal at Rs.1,08,000/- with interest at the rate of 7.5% per annum from the date of petition is enhanced to Rs.9,00,000/- with interest at the rate of 7.5% per annum from the date of petition.

5.The Civil Miscellaneous Appeal is accordingly disposed of. No costs. The respondents 4 and 8/Insurance companies are directed to deposit the modified amount of compensation, as



ordered above, at the ratio of 50:50 with proportionate interest and costs, less the amounts if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant / claimant is permitted to withdraw the same on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

av/km

To

1. Motor Accident Claims Tribunal,
The Principal Subordinate Judge,
Coimbatore.

Copy To

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

+1cc to Mr.R.Sreevidhya, Advocate SR.No.96659

+1cc to Mr.S.Arunkumar, Advocate SR.No.95635

+1cc to Mr.C.Deivasigamani, Advocate SR.No.95417

C.M.A.No.2171 of 2015

CA(CO)
GN(16/12/2021)