

IN THE JUDICATE OF MADRAS HIGH COURT
DATE : 19.02.2019

CORAM
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.No.273 OF 2014
and M.P.No. 1 of 2014

1. Kumudha
2. Minor Sangeetha

... Appellants

Vs.

1. Annammal
 2. The Managing Director,
State Express Transport Corporation Limited
Chennai - 600 002.
- Respondents

Appeal has been filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.11.2013 in MCOP.No.337 of 2010 on the file of the Motor Accident Claims Tribunal - cum - Principal District Judge, Chengalpattu.

For Appellants : Mr.P.Dinesh Kumar
for M/s.D.Ravichander

For Respondents: No appearance for R1
Mr.K.J.Sivakumar for R2

JUDGMENT

The appellants/claimants have preferred the present appeal, aggrieved by the order of Motor Accident Claims Tribunal - cum-Principal District Judge, Chengalpattu in MCOP No.337 of 2010 dated 23.11.2013.

2. The appellants in MCOP No. 153 of 2011 filed by the appellants but not the signatory to the Lok Adalath award. Comprise was made in MCOP No.337 of 2010 between the respondents 1 & 2 herein. The Appeal has been filed challenging the Lok adalath award, originally in which the claim petition was filed by the mother of the deceased in MCOP No.337 of 2010. To that said MCOP wife and the only daughter of the deceased have shown as respondents and the appellants herein have also filed separate MCOP .No.153 of 2011 on the file of the Principal District Judge, Chengalpattu for a compensation to a sum of Rs.10 lakhs. In MCOP No.337 of 2010 filed by the mother of the deceased was referred to Lok adalath and the same was

compromised wherein the claimant/respondent No.1 herein was present and wife and the daughter who are the appellants herein were not present before the Lokadalath. Since the mother filed the claim petition the said claim petition was compromised between the respondents 1 & 2 herein. The learned counsel for the appellants pleaded that the said award is not barring on the wife and the daughter of the deceased who have filed a separate MCOP No. 153 of 2011 on the file of the Principal District Judge, Chengalpattu.

3. The learned counsel for the Transport Corporation/second respondent submitted that compromise arrived between the mother of the deceased and the Transport Corporation alone before Lok Adalath and no compromise have been arrived between the appellants herein and the Transport Corporation. Further he submitted that the appellants herein have filed separate MCOP No.153 of 2011 which is still pending as on date before the learned Principal District Judge, Chengalpattu and the appellants rights can be determined only in the above said MCOP, therefore he pleaded nothing can be awarded to the appellants in the present Appeal, since the said MCOP filed by the claimants has been settled between the mother of the deceased and the Transport Corporation.

4. No doubt the mother of the deceased filed MCOP No.337 of 2010 and the same was settled before Lok Adalath. The appellants in the present appeal are not parties for settlement before Lok Adalath. Therefore the settlement arrived between the mother of the deceased and the Transport Corporation/second respondent will not bind the appellants herein, since the appellants herein have filed separate MCOP.No.153 of 2011 and the same is pending for adjudication before the learned Principal District Judge, Chengalpattu. Hence the compensation for the appellants can be determined only in the said MCOP.No.153 of 2011. It is made clear that the compromise arrived before Lok Adalath in MCOP.No.337 of 2010 between the mother of the deceased and the Transport Corporation will not have any barring on the appellants herein and the appellants can individually proceed the MCOP No.153 of 2011 and the compensation can be awarded for the appellants herein by the Tribunal after proper adjudication.

5. With the above observation this Civil Miscellaneous Appeal is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dpq

To

1.The learned Principal District Judge,
Chengalpattu.

2.The Managing Director,
State Express Transport Corporation Ltd.,
Chennai.

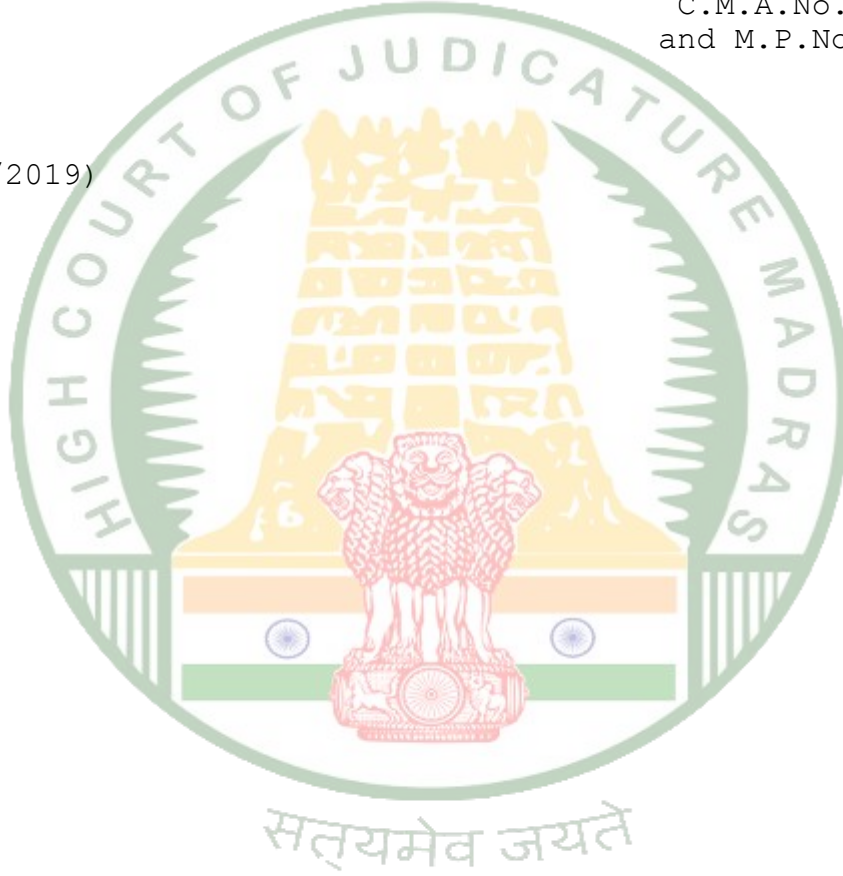
+1cc to Mr.D.Ravichander, Advocate, S.R.No.15360

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.15660

C.M.A.No.273 OF 2014
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CNR (CO)

RRS (25/04/2019)



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