

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.11.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.Nos.2446 to 2450 of 2017

John Peter	... Appellant in CMA.No.2446 of 2017
Rajammal	... Appellant in CMA.No.2447 of 2017
Raji	... Appellant in CMA.No.2448 of 2017
Chinnusamy	... Appellant in CMA.No.2449 of 2017
Santha	... Appellant in CMA.No.2450 of 2017

Vs

1. M/s. K.R. & Co. Transport,
481, Mettur Bhavani Main Road,
EMT Thottam, Chinnapallam Post,
Bhavani Taluk, Erode District.
2. The National Insurance Company Limited,
Divisional Office II,
Ramakrishna Road,
Salem - 7.
3. A.Radhika
4. L & T Insurance Company Limited,
AMI Mid Town, 25/A/2/ First Floor,
D.B.Road, R.S Puram, Coimbatore.

(R1 & R3 were set exparte before the Tribunal)

... Respondents in all CMAs

CMA No.2446 of 2017 filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 25.10.2016 made in MCOP No.1190 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

CMA No.2447 of 2017 filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 25.10.2016 made in MCOP No.1191 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

CMA No.2448 of 2017 filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 25.10.2016 made in MCOP No.1192 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

CMA No.2449 of 2017 filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 25.10.2016 made in MCOP No.1193 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

CMA No.2450 of 2017 filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 25.10.2016 made in MCOP No.1195 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

For Appellant : Mr.K.Kuppusamy
in all appeals
For R-2 : Mr.J.Chandran
in all appeals
R1 & R3 : Exparte

COMMON JUDGMENT

Claim petitions have been filed by the appellant(s)/ claimants / injured, before the Tribunal, claiming compensation for the injuries suffered by them, in an accident that took place on 02.07.2013 at about 6.00a.m., while travelling in a bus bearing registration No.TN-30-AH-1200 belonging to the first respondent and insured with the second respondent. According to them, the driver of the bus drove the vehicle in a rash and negligent manner and dashed against the lorry bearing registration No.TN-52-C-4365 belonging to the third respondent and insured with the fourth respondent. Due to the said impact, the injured in MCOP Nos.1190 to 1195 of 2013 sustained grievous injuries. The Tribunal awarded compensation in those petitions, as under:

CMA No.	MCOP No.	Amount (Rs.)
2446/2017	1190/2013	84,400/-
2447/2017	1191/2013	65,400/-
2448/2017	1192/2013	84,350/-
2449/2017	1193/2013	90,300/-
2450/2017	1195/2013	37,900/-

These amounts have been awarded with interest at the rate of 7.5% per annum, from the respective dates of the claim petitions.

2. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the claimant(s) have filed these present Civil Miscellaneous Appeals, seeking enhancement of the same.

3. Today, when the appeals are taken up for hearing, the learned counsel for the appellant(s)/claimants and the learned counsel for the second respondent/insurance company submitted that they have entered into a settlement, as per which, the

second respondent insurance company agreed to deposit a sum of Rs.15,000/- over and above the compensation awarded by the Tribunal in each of the appeals, along with interest at 7.5% per annum from the date of claim petitions and the same has also been agreed upon by the learned counsel for the appellant(s)/claimants.

4. Recording the said submissions made by the learned counsel for both sides, this Court is inclined to enhance the compensation awarded by the Tribunal from Rs.84,400/- to Rs.99,400/- to the appellant in CMA.No.2446 of 2017, from Rs.65,400/- to 80,400/- to the appellant in CMA.No.2447 of 2017, from Rs.84,350/- to Rs.99,350/- to the appellant in CMA.No.2448 of 2017, Rs.90,300/- to Rs.1,05,300/- to the appellant in CMA.No.2449 of 2017 and Rs.37,900/- to Rs.52,900/- to the appellant in CMA.No.2450 of 2017, with interest at 7.5% per annum from the date of claim petitions and the same are accordingly, enhanced.

5. In fine, all these Civil Miscellaneous Appeal are partly allowed. No costs. The second respondent/Insurance Company is directed to deposit the aforesaid compensation amount with interest and costs, after deducting the amount, if any, already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the same to the respective savings bank accounts of the appellant(s)/claimants, through RTGS within a period of one week thereafter.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
Special District Court, Salem.

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

C.M.A.Nos.2446 to 2450 of 2017

SS(CO)
GN(05/01/2021)