

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1588 of 2012

1. Vasuki

2. Muruganandham

...Appellants/Petitioners

.vs.

1. Tamil Nadu State Transport Corporation
Rep. By its Managing Director,
Kumbakonam.

2. Gopalakrishnan

3. The New India Assurance Company Limited,
Rep. By its Branch Manager,
Nagapattinam Town,
Nagapattinam Taluk & Post

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree 21.10.2003 passed in MCOP NO.270 of 2003 on the file of the Motor Accident Claims Tribunal (District Court) Nagapattinam.

For Appellants : Mr.N.C.Ashok Kumar

For Respondents : Mr.D.Venkatachalam for R1

R2- Not Known

No Appearance - R3

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the claimants seeking enhancement of compensation under the impugned award dated 21.10.2003 passed by the Motor Accident Claims Tribunal, (District Court) Nagapattinam, in M.C.O.P.No.270 of 2003.

2.Heard Mr.N.C.Ashok Kumar, learned counsel for the Appellants and Mr.D.Venkatachalam, learned counsel for the first respondent.

3. It is brought to the notice of this Court by the learned counsel for the first respondent that the appeal filed by the Transport Corporation/first respondent against the same award was partly allowed by this Court on 27.04.2010 in C.M.A.No.1097 of 2005 whereby the quantum of compensation awarded by the Tribunal was reduced in the presence of appellants herein. The order passed in CMA.No.1097 of 2005 dated 27.04.2010 has also been placed before this Court. The present appeal has been filed by the claimants in MCOP No.270 of 2003 seeking for enhancement of compensation under the same award dated 21.10.2003. Since this Court has already considered the impugned award and has in fact reduced the compensation payable to the appellants in this appeal, nothing survives for adjudication in this appeal.

4. Accordingly, this appeal is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Judge,
The Motor Accident Claims Tribunal
(District Court) Nagapattinam.
2. The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to Mr.C.Jagadish, Advocate, Sr.No.28454

C.M.A.No.1588 of 2012

vg ii (co)
rr ii (19/11/2020)

WEB COPY