

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.Nos.94 and 95 of 2016

Premkumar .. Appellant in C.M.A.No.94 of 2016/Petitioner

Selvam .. Appellant in C.M.A.No.95 of 2016/Petitioner

vs.

1.T.M.Balasubramaniam

2.The Branch Manager,  
The Oriental Insurance Company Limited,  
B.O.Siva Complex 2<sup>nd</sup> floor,  
22-C, Saradha College Main Road,  
Salem 16.

.. Respondents in both appeals/Respondents

Common Prayer: The Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 02.04.2014 made in M.A.C.T.O.P.Nos.833 & 834 of 2010 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.1, Salem.

In both appeals:

For Appellant : Mr.R.Nalliyappan  
For R1 : No appearance  
For R2 : Mr.J.Chandran

C O M M O N J U D G M E N T

These Civil Miscellaneous Appeals are filed by the appellants challenging the portion of the award fixing 50% contributory negligence on the part of the appellants as well as seeking enhancement of compensation granted by the Tribunal in the common award dated 02.04.2014 made in M.A.C.T.O.P.Nos.833 & 834 of 2010 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.1, Salem.

2. Both the appeals are arising out of the same accident and common award and hence, they are disposed of by this common judgment.

3.The appellants filed the claim petitions in M.A.C.T.O.P.Nos.833 & 834 of 2010 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Salem, claiming a sum of Rs.10,00,000/- and Rs.7,00,000/- as compensation respectively, for the injuries sustained by them in the accident that took place on 13.12.2009.

4.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the bus belonging to the 1st respondent as well as negligent act of the appellants, fixed contributory negligence on both the claimants awarded a sum of Rs.2,20,000/- and Rs.1,10,000/- respectively as compensation and directed the 2<sup>nd</sup> respondent being insurer of the bus belonging to the first respondent to pay 50% of the award amount i.e., Rs.1,10,000/- and Rs.55,000/- as compensation to the appellants in both appeals.

5.Challenging the portion of the award fixing 50% contributory negligence on the part of the appellants who are the pillion rider and rider of the motorcycle and seeking enhancement of compensation granted by the Tribunal in the common award dated 02.04.2014 made in M.A.C.T.O.P.Nos.833 & 834 of 2010, the appellants have come out with the present appeals.

6.The learned counsel appearing for the appellants contended that the Tribunal failed to consider that FIR and charge sheet are filed against the driver of the bus belonging to the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent remained exparte before the Tribunal. There is no contra evidence let in by the respondents to disprove the case of the appellants. In the absence of any contra evidence, the Tribunal erred in fixing 50% contributory negligence on the part of the rider of the motorcycle as well as pillion rider, only on the ground that three persons have traveled in the motorcycle at the time of accident. The finding of the Tribunal is perverse against the settled proposition of law. The Tribunal failed to see that there is no evidence to show that the accident occurred only due to three persons traveled in the motorcycle.

6(a).The learned counsel appearing for the appellants further contended that the appellants were aged 20 and 21 years respectively at the time of accident and were running a grocery shop and were earning a sum of Rs.6,000/- per month. The Tribunal has awarded a meagre amount towards loss of income. P.W.3/P.W.4/Doctors examined the appellants and

certified that the appellant in CMA.No.94 of 2016 suffered fracture of right zygomatic region and fracture of right femur and assessed the disabilities at 30% and 38% respectively. Similarly, P.W.3/P.W.4/Doctors have certified that the appellant in CMA.No.95 of 2016 suffered fracture of right zygomatic region and fracture of right fore arm and assessed the disabilities as 25% and 28% respectively. However, the Tribunal reduced the disability to 35% for the appellant in CMA.No.94 of 2016 and 25% for the appellant in CMA.No.95 of 2016 and awarded meagre amounts as compensation towards disability. The appellants have taken treatment as in-patients in Vinayaga Mission Hospital, Salem from 13.12.2009 to 23.12.2009 and 13.12.2009 to 16.12.2009 respectively. The Tribunal has not awarded any amount towards attendant charges. The amounts awarded by the Tribunal under different heads are meagre and prayed for enhancement of compensation. In support of his contentions, the learned counsel appearing for the appellants relied on the following judgments:

(i) 2011 (1) TN MAC 136 (DB) [The Branch Manager, United India Insurance Company Ltd., Vs. Uma and others]:

"10. Learned Counsel for Appellant-Insurance Company mainly contended that as per Section 128 of M.V. Act, no driver of two wheeled motorcycle shall carry more than one person in addition to himself and having violated the provisions of Section 128 of M.V. Act, the deceased himself contributed to the accident. It was further contended that Tribunal has failed to appreciate that as per the Police records and the admissions in the Claim Petitions, the deceased Murugappan drove the motorcycle along with his son and his wife and thereby contributed to the accident which the Tribunal failed to take into account.

11. Plea of contributory negligence has to be established by substantive evidence. After necessary Application under Section 170 of M.V. Act, Appellant-Insurance Company must have adduced proper evidence to substantiate the plea of contributory negligence. Even though Appellant-Insurance Company has taken the plea of contributory negligence, no substantive evidence was adduced to establish the same. Apart from the self-serving evidence of RW1, no evidence was adduced to substantiate the same.

12.As seen from Exs.P1-FIR, Criminal case in Crime No. 16/2003 was registered against the lorry driver. After completion of the investigation, charge-sheet [Ex.P4] was also filed against the lorry driver. Filing of charge-sheet [Ex.P4] is a prima facie indication showing that the driver of the Lorry is responsible for the accident. Merely because three persons travelled in the Motorcycle, it is not to be readily presumed that deceased was negligent in riding the TVS Suzuki. It is pertinent to note that the deceased was travelling with his wife and with their son Nagappan @ Siva, aged 14 years. In the absence of substantive evidence, Tribunal rightly held that the accident was due to rash and negligent driving of the Lorry driver and rightly rejected the plea of contributory negligence."

(ii)2004 1 CTC 677 [Kattabomman Transport Corporation Ltd., vs. Vellai Duraichi and others]:

"8. In the light of the said conclusion, we have carefully verified the factual details and the ultimate decision arrived at in the first Division Bench decision, namely, Tamil Nadu State Transport Corporation, Coimbatore Division v. Abdul Salam (cites supra). As observed earlier, except stating that 3 persons travelled in a motor vehicle, which is prohibited, no specific finding was given to the effect that travelling of three persons in a motor cycle was responsible for the accident; hence we are of the view that the conclusion in 2003 I M.L.J. 489 is to be confined to that case. In other words, merely because there is violation of the provisions of the Act or Rules or the policy conditions, it is not automatic that in every case the principle of contributory negligence is to be applied mechanically. As rightly observed in the other Division Bench decision, namely, M. Anandavalli Amma v. Arvind Eye Hospital (2002-3 L.W. 710), unless there is evidence to prove that the accident took place only because of such act that is taking/travelling more persons in a motor cycle which resulted in an accident, the owner of the other vehicle and its insurer will be liable to pay compensation. To put it clear, if the appellant-Transport Corporation is able to prove that it is because of the addition of

one more (third person in the motor cycle instead of two), the accident occurred, the position would be different. In other words, unless the owner of the vehicle or the Insurance Company is able to prove that the accident took place only because of such act that is taking more persons than the prescribed number, the owner/ Insurance Company will be liable to make good the loss/compensation. In the case on hand the materials placed before the Tribunal show that it was the bus driver who had gone to the other side of the road, hit the motor cycle thereby caused the accident. There is no evidence to show that the accident occurred because of travelling of three persons in the motor cycle. In the light of the above said conclusion, we reject the contra argument made by the learned counsel for the appellant."

(iii)2008 (1) MPLJ 98 [Devi Singh Vs. Vikram Singh and others]:

"3. In its order dated 22.08.2006 passed in the present appeals, the Division Bench found that in Manjo Bee v. Sajjad Khan, 2007 ACJ 737, a Division Bench of this Court has taken a view that carrying more passengers than one on motorcycle is in violation of section 128 of the Act but by carrying more persons, one cannot be said to be negligent as a person having more than one pillion rider can also be more careful than a person going alone on a motorcycle and accordingly repelled the plea of contributory negligence on behalf of the driver of the motor-cycle raised in that case. The Division Bench further found that in National Insurance Company Ltd. v. Smt. Uma Tiwari, (2007) 1 MANISA 204 (M.P.), another Division Bench of this Court accepted the contention that the deceased who was driving the scooter along with three other persons by violating the provisions of section 128 of the Act was negligent and had accordingly determined the liability on the owners of the jeep and the scooter in the proportion of 70:30 and another Division Bench of this Court in Kanti Devi Sikarwar v. Om Prakash, (2006) 4 MPLJ 291 : (2007) 1 MPWN 88, has held that section 128 of the Act bars riding of more than one pillion rider on the motorcycle and in that case the deceased who was driving the motorcycle in

violation of the provisions of section 128 of the Act was guilty of contributory negligence.

7. Per contra, the learned counsel appearing for the second respondent contended that the appellants have admitted that 3 persons traveled in the motorcycle at the time of accident and they saw the bus only when it came near to the motorcycle as they were talking while traveling in the motorcycle. The Tribunal considering the entire materials on record, fixed 50% negligence on the part of the appellants. There is no error in the said finding of the Tribunal. The total amount awarded by the Tribunal is not meagre and prayed for dismissal of the appeals. In support of his contention, he relied on the judgment reported in 2018 (2) TN MAC 302 (DB) (Reliance General Insurance Company Limited, Chennai vs. B.Chithra and others):

"17. Though there is no rebuttal evidence on the side of the appellant/Insurance company, there is a specific stand taken by the appellant/insurance company, which has been incorporated in the award of the Tribunal as follows:

"(9) The second respondent contested the claim but the accident is not disputed. According to the second respondent, the deceased did not possess driving license and insurance and the deceased with over load had driven the auto in a rash and negligent manner with two persons sitting on either side of the deceased and further the deceased had suddenly turned the auto from Poonamallee High Road to Noombal Road and capsized at the turning point but to substantiate the same no oral or documentary evidence has been produced on the second respondent side.

18. When such a stand was taken, the claimants should have exhibited the driving licence of the deceased. The non-marking of driving licence of the deceased would show that he was not possessed with valid and effective driving licence. It has become a routine that almost about 50% of the drivers drive the vehicles without any valid and effective driving license and cause many accidents, resulting in loss of precious lives and injuries to many persons. Therefore, in an attempt to deprecate this kind of practice of driving vehicles without any valid and

effective driving licence, 10% of the amount awarded towards compensation is deducted. If 10% is deducted, the compensation amount comes to Rs.17,60,400/- (Rs.19,56,000/- (-) 10% of Rs.19,56,000/-)."

8. Though notice was served on the first respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel.

9. Heard the learned counsel appearing for the appellants as well as the 2<sup>nd</sup> respondent and perused the materials available on record.

10. It is the contention of the appellants that the accident has occurred only due to rash and negligent driving by the driver of the bus belonging to the first respondent. FIR and charge sheet are registered against the driver of the bus belonging to the 1<sup>st</sup> respondent. There is no contra evidence let in by the respondents to disprove the case of the appellants. In the absence of any contra evidence, the Tribunal erred in fixing 50% contributory negligence on the part of the pillion rider as well as rider of the motorcycle, only on the ground that three persons have traveled in the motorcycle at the time of accident. The 2<sup>nd</sup> respondent in the counter statement has contended that three persons traveled in the motorcycle and hence they are responsible for the accident and accident has occurred only due to negligence on the part of the appellants. When such a stand was taken by the second respondent Insurance Company, it is for the appellants to prove that the accident did not occur due to their negligence as held by the Division Bench of this Court in the judgment reported in 2018 (2) TN MAC 302 (DB) [Reliance General Insurance Company Limited, Chennai vs. B.Chithra and others] relied on by the learned counsel appearing for the 2<sup>nd</sup> respondent. In the said judgment, the Division Bench held that when a stand was taken by the 2<sup>nd</sup> respondent therein that the deceased did not possess driving license at the time of accident, it has to be proved by the claimants that the deceased had driving license at the time of accident by producing driving license. On such reasoning, 10% was deducted from the total compensation awarded. Applying the same principle, the appellants ought to have proved that the accident did not occur due to their negligence or by negligence of the rider of the motorcycle. The admitted facts clearly proved that the appellants and another person who travelled in the motorcycle are responsible for the accident as they saw the bus belonging to the first respondent only when the same was very near to the motor cycle in which they were travelling. In view of the

facts of the present case, the judgments relied on by the learned counsel appearing for the appellants do not advance the case of appellants. Similarly, the contention of the learned counsel appearing for the appellants that the respondents ought to have pleaded and proved contributory negligence on the part of the appellants is without merits. It is well settled that admitted facts need not be proved. This issue was considered by a Division Bench of this Court and in paragraph numbers 11 and 12 of the judgment reported in 2003 1 MLJ 489 [The Managing Director, Tamilnadu State Transport Corporation, Coimbatore Vs. Abdul Salam and others], this Court has held as follows:

"11. We are concerned as to whether such action of the individuals is permissible under law. The motor cycle and any other two wheelers are meant only for two persons, the rider and a pillion rider. If more than two persons are travelling in a motor cycle or any other two wheeler, undoubtedly such action of the individual would become illegal and unauthorised. It is an awful sight when we come across three persons travelling in a motor cycle. They are sitting in such a cramped manner that the rider of the motor cycle almost sitting on the petrol tank or at the front edge of the seat. When he was sitting in such a position, naturally because of the restricted movement of his legs, he cannot have the complete control over the brake. The movements of his hands also so restricted. When that be so, this court is of the opinion that definitely the rider of the two wheeler cannot have full control over the vehicle.

12. Apart from that, when three persons are travelling in a motor cycle, two as pillion riders, any unusual movement of the pillion riders would make the rider of the motor cycle to loose his control over the vehicle. Even though such travelling of three persons in a motor cycle is contrary to the statute, still the enforcement wing do not care to take note of the same and failed to take action against their illegal action. Virtually because of the failure on the part of the enforcement wing, such travelling of three persons in the two wheelers has become a regular sight. Even though the highway patrolling is available but it is a rare sight to see a highway patrolling

vehicle. The travelling of three persons has become rampant in the mofussils and in the City; especially among the youngsters like the college students. When that be the case, the enforcing authority is Texpected to enforce the statute with some strictness to avoid any untoward incident. There is no purpose in conducting the Road Safety Week without infusing the road sense in compliance of the Rules and Regulations of the statute in the minds of those who are using the vehicles."

11.The Division Bench has taken a judicial note of the fact that when three persons travel in a two-wheeler, the rider of the two-wheeler will not have control over the handle bar and the brake. The rider of the motorcycle is almost sitting on the petrol tank when three persons travel in the motorcycle. This Court also held that law enforcing agency must prevent the practise of three persons travelling in the two-wheeler. Even though the said judgment was delivered in the year 2003, even in 2019 in most of the two-wheelers, three persons travel and law enforcing agency has not taken any steps to prevent such statutory violation. This Court held that when three persons travel in two-wheeler, the rider of the two wheeler will not have control over the handle bar and brake. In the present case, three persons have traveled in the motorcycle and definitely the rider of the motorcycle would not have control over the handle bar and brake. Therefore, the portion of the award fixing contributory negligence on the part of both the appellants is valid. The Tribunal fixed 50% contributory negligence on the appellants. Considering the facts of the present case 50% contributory negligence fixed by the Tribunal is on the higher side and it is reduced to 30%, 70% negligence is fixed on the part of the driver of the bus belonging to the first respondent. The second respondent/Insurance Company of the bus is directed to deposit 70% of the award amount.

12.As far as quantum of compensation in M.C.O.P.No.833 of 2010 [C.M.A.No.94 of 2016] is concerned, at the time of accident, the appellant sustained fracture of right femur, fracture of right zygomatic complex and abrasion of right knee. To substantiate the injuries sustained by him, he has examined Dr.Mariappan, a general physician as P.W.3 and Dr.Arun, Orthopedic Surgeon as P.W.4. They assessed the percentage of disability as 30% and 38% and marked the disability certificates as Ex.X2 and Ex.X8. However, the Tribunal fixed the disability of the appellant as 35% as per the guidelines issued by Ministry of Social Justice,

Government of India. The said reason given by the Tribunal for fixing the percentage of disability is erroneous. If two disability certificates are produced, then the percentage of disability can be calculated by the following formula:

$$\frac{a + b (90-a)}{90}$$

Here 'a' is 38 and 'b' is 30. Therefore, the percentage of disability comes to:

$$\begin{aligned} &= \frac{38 + 30 (90-38)}{90} \\ &= \frac{38 + 30 (52/90)}{90} \\ &= \frac{38 + 30 (0.58)}{90} \\ &= \frac{38 + 17.4}{90} \\ &= 55.4 \text{ rounded off to } 55\% \end{aligned}$$

Thus, the disability of the appellant is fixed as 55%. The accident is of the year 2009. The sum of Rs.2,000/- per percentage fixed by the Tribunal for disability is proper. The appellant is entitled to compensation for 55% disability at the rate of Rs.2,000/- per percentage of disability. Thus, the compensation awarded by the Tribunal towards disability is modified to Rs.1,10,000/- (Rs.2,000/- X 55% of disability). The appellant contended that he was running a grocery shop and was earning a sum of Rs.6,000/- per month. The appellant did not file any document to substantiate the said contention. In the absence of any material evidence with regard to the avocation and income, the Tribunal fixed a sum of Rs.4,500/- per month and awarded a sum of Rs.45,000/- towards loss of income for 10 months. The accident is of the year 2009. The monthly income fixed by the Tribunal is meagre. Hence, a sum of Rs.6,500/- is fixed as monthly income of the appellant. Thus, the appellant is entitled to a sum of Rs.65,000/- (Rs.6,500/- x 10) towards loss of income for 10 months. The appellant has taken treatment as in-patient from 13.12.2009 to 23.12.2009 in Vinayaga Mission Hospital, Salem. The Tribunal has not awarded any amount towards attendant charges. Considering the nature of injuries and period of treatment taken by the appellant, a sum of Rs.10,000/- is awarded towards attendant charges. The Tribunal has awarded a meagre amount of Rs.1,000/- towards transportation and the same is hereby enhanced to Rs.10,000/-. The amounts awarded by the Tribunal under all other heads are just and reasonable and hence, the same are hereby confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

| S.No | Description | Amount awarded by Tribunal (Rs) | Amount awarded by this Court (Rs) | Award confirmed or enhanced or granted |
|------|-------------|---------------------------------|-----------------------------------|----------------------------------------|
|      |             |                                 |                                   |                                        |

|    |                             |               |               |                                                         |
|----|-----------------------------|---------------|---------------|---------------------------------------------------------|
| 1. | Pain & sufferings           | 30,000/-      | 30,000/-      | Confirmed                                               |
| 2. | For shock & mental agony    | 15,000/-      | 15,000/-      | Confirmed                                               |
| 3. | Loss of income              | 45,000/-      | 65,000/-      | Enhanced                                                |
| 4. | Food & extra nourishment    | 13,000/-      | 13,000/-      | Confirmed                                               |
| 5. | Medical expenses            | 45,000/-      | 45,000/-      | Confirmed                                               |
| 6. | Disability                  | 70,000/-      | 1,10,000/-    | Enhanced                                                |
| 7. | Transportation              | 1,000/-       | 10,000/-      | Enhanced                                                |
| 8. | Loss of personal belongings | 1,000/-       | 1,000/-       | Confirmed                                               |
| 9. | Attendant charges           | -             | 10,000/-      | Granted                                                 |
|    | Total                       | Rs.2,20,000/- | 2,99,000/-    |                                                         |
|    | 50% contributory negligence | Rs.1,10,000/- |               |                                                         |
|    | 70% of the award amount     |               | Rs.2,09,300/- | Enhanced by Rs.99,300/- (Rs.2,09,300/- - Rs.1,10,000/-) |

13.As far as quantum of compensation in M.C.O.P.No.834 of 2010 [C.M.A.No.95 of 2016] is concerned, at the time of accident, the appellant sustained fracture of right zygomatic arch. To substantiate the injuries sustained by him, he has examined Dr.Mariappan, a general physician as P.W.3 and Dr.Arun, Orthopedic Surgeon as P.W.4. They assessed the percentage of disability as 25% and 20% and marked the disability certificates as Ex.X5 and Ex.X11 respectively. However, the Tribunal fixed the disability of the appellant as 20% as per the guidelines issued by Ministry of Social Justice, Government of India. The said reason given by the Tribunal for fixing the percentage of disability is erroneous. If two disability certificates are produced, then the percentage of disability can be calculated by the following formula:

$$\frac{a + b (90-a)}{90}$$

Here 'a' is 25 and 'b' is 20. Therefore, the percentage

of disability comes to:

$$= \frac{25 + 20 (90-25)}{90}$$

$$= 25 + 20 (65/90)$$

$$= 25 + 20 (0.72)$$

$$= 25 + 14.44$$

$$= 39.44 \text{ rounded off to } 39\%$$

Thus, the disability of the appellant is fixed as 39%. The accident is of the year 2009. The sum of Rs.2,000/- per percentage fixed by the Tribunal for disability is proper. The appellant is entitled to compensation for 39% disability at the rate of Rs.2,000/- per percentage of disability. Thus, the compensation awarded by the Tribunal towards disability is modified to Rs.78,000/- (Rs.2,000/- X 39% of disability). The appellant contended that he was running a grocery shop and was earning a sum of Rs.6,000/- per month. The appellant did not file any document to substantiate the said contention and fixed the avocation and income. In the absence of any material evidence with regard to the avocation and income, the Tribunal fixed a sum of Rs.4,500/- per month and awarded a sum of Rs.18,000/- (Rs.4,500/- X 4) towards loss of income for four months. The accident is of the year 2009. The monthly income fixed by the Tribunal is meagre. Hence, a sum of Rs.6,500/- is fixed as monthly income of the appellant. Thus, the appellant is entitled to a sum of Rs.26,000/- (Rs.6,500/- X 4) towards loss of income for 4 months. The appellant has taken treatment as in-patient from 13.12.2009 to 16.12.2009 in Vinayaga Mission Hospital, Salem. The Tribunal has not awarded any amount towards attendant charges. Considering the nature of injuries and period of treatment taken by the appellant, a sum of Rs.5,000/- is awarded towards attendant charges. The Tribunal has awarded a meagre amount of Rs.1,000/- towards transportation and the same is hereby enhanced to Rs.10,000/-. The amounts awarded by the Tribunal under all other heads are just and reasonable and hence, the same are hereby confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

| S.No | Description       | Amount awarded by Tribunal (Rs) | Amount awarded by this Court (Rs) | Award confirmed or enhanced or granted |
|------|-------------------|---------------------------------|-----------------------------------|----------------------------------------|
| 1.   | Pain & sufferings | 25,000/-                        | 25,000/-                          | Confirmed                              |
| 2.   | Loss of income    | 18,000/-                        | 26,000/-                          | Enhanced                               |

|    |                             |               |               |                                                       |
|----|-----------------------------|---------------|---------------|-------------------------------------------------------|
| 3. | Food & extra nourishment    | 10,000/-      | 10,000/-      | Confirmed                                             |
| 4. | Medical expenses            | 15,000/-      | 15,000/-      | Confirmed                                             |
| 5. | Disability                  | 40,000/-      | 78,000/-      | Enhanced                                              |
| 6. | Transportation              | 1,000/-       | 10,000/-      | Enhanced                                              |
| 7. | Loss of personal belongings | 1,000/-       | 1,000/-       | Confirmed                                             |
| 8. | Attendant charges           | -             | 5,000/-       | Granted                                               |
|    | Total                       | Rs.1,10,000/- | 1,70,000/-    |                                                       |
|    | 50% contributory negligence | Rs.55,000/-   |               | Enhanced by Rs.57,700/- (Rs.1,12,700/- - Rs.64,000/-) |
|    | 70% of the award amount     |               | Rs.1,19,000/- |                                                       |

14. In the result, these Civil Miscellaneous Appeals are partly allowed and the compensation awarded by the Tribunal at Rs.2,20,000/- and Rs.1,10,000/- are hereby enhanced to Rs.2,99,000/- and Rs.1,61,000/- along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellants are entitled to 70% of the said award amount i.e., Rs.2,09,300/- and Rs.1,19,000/- respectively as compensation. The second respondent is directed to deposit the sum of Rs.2,09,300/- and Rs.1,19,000/-, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants are permitted to withdraw their respective award amounts along with interest and costs, after adjusting the amount if any, already withdrawn. The appellants are directed to pay necessary Court fee, if any, on the enhanced compensation. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vkx

To

The Motor Accidents Claims Tribunal  
Special Sub Judge No.1,  
Salem.

Copy to:

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

+2 CC to Mr.R.Nalliyappan, Advocate, Sr.No.5132, 5133

C.M.A.Nos.94 and 95 of 2016

PP (CO)  
A.SK (13.07.2021)



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