



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM

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THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.2494 of 2013

1. P.Thiyagarajan (died)
S/o.Palanisamy
2. Saraswathi
W/o.Late Thiyagarajan
3. Poongodi
D/o.Late Thiyagarajan
4. Suresh Kumar
S/o.Late Thiyagarajan
5. Nagayammal
W/o.Late Appadan @ Palani Naicker
(Appellants 2 to 5 brought on record as
Legal heirs of the deceased sole appellant viz.,
P.Thiyagarajan vide order of Court dated
20.02.2020 made in C.M.P.No.735 to 737 of 2018
in C.M.A.No.2494 of 2013) .. Appellants

Vs.

1. V.Velusamy
S/o.Vellaswamy Thevar
2. The United India Insurance Co.Ltd.,
7th Floor, No.826, Anna Salai, Chennai.
(The 1st respondent remained
ex-parte in the lower court and hence
notice to 1st Respondent in the
above appeal is dispensed with) .. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 14.07.2005 in M.C.O.P.No.404 of 2003 on the file of the Motor Accident Claims Tribunal, Sub Court, Namakkal.



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For Appellants :: Mr.C.Thangaraj

For R2 :: Mr.N.Vijaraghavan

JUDGMENT

(heard through video-conferencing)

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 14.07.2005 in M.C.O.P.No.404 of 2003 on the file of the Motor Accident Claims Tribunal, Sub Court, Namakkal.

2. The learned counsel for the appellants submit that the 1st appellant was the original claimant before the learned Motor Accidents Claims Tribunal. Aggrieved by the award of compensation, the claimant had filed appeal seeking enhancement. While appeal pending sole appellant died. Therefore, his legal heirs were impleaded as appellants 2 to 5. The legal heirs of the sole appellant were impleaded as the appellants 2 to 5. When the appeal was taken for disposal they sought to refer this matter to Lok Adalath. The legal heirs are not entitled to any relief for injury suffered by claimant/injured. This is a case of injury. In cases of injury, compensation is granted to the person who had suffered injury and not to the legal heirs. Once the injured person died during the pendency of the case, then the legal heirs cannot claim compensation. Here, the claimant was injured. Aggrieved by the award passed by the Motor Accident Claims Tribunal, Sub Court, Namakkal, he had filed the appeal seeking enhancement of the compensation and when the appeal was pending the appellant/injured died. The legal heirs can only claim the compensation amount that was already deposited. Now, the learned counsel for the appellant submits that already the claimant had received the award amount and if there is balance of amount, the same will be paid by the respondent and available in deposit before the learned Tribunal. The legal heirs of the appellant can withdraw it on filing an application before the learned Tribunal.

3. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gbi



To

1. The Sub Judge,
Motor Accident Claims Tribunal,
Namakkal.

2. The Section Officer,
V.R.Section, High Court of Madras.

+1cc to Mr.C.Thangaraju, Advocate, S.R.No.18087

C.M.A.No.2494 of 2013

CP (CO)
HS (16/09/2021)