

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.2678 of 2019

Jayabal

S/o.Mathiazhagan

... Appellant/Petitioner

vs

1.S.Vijayalakshmi

W/o.Samandham

(Since R1 remained ex parte before the Tribunal,
his presence may be dispensed with)

2.Reliance General Insurance Co. Ltd.,

Plot No.6, 6th Floor,

Haddows Road,

Nungambakkam,

Chennai - 600034.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.07.2018 passed in M.A.C.T.O.P.No.1765 of 2017 on the file of Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Ms.A.Subadra

For Respondents: Ex parte [R1]

Mr.S.Arun Kumar [R2]

JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J]

This matter is heard through Video Conference.

2. Not being satisfied with the quantum of compensation awarded by the Tribunal in and by its judgment and decree dated 24.07.2018 passed in M.A.C.T.O.P.No.1765 of 2017 on the file of Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, appellant/claimant has filed the present appeal.

3. Appellant/claimant had suffered grievous injuries in a

road accident that occurred on 07.03.2017. Appellant/claimant filed a claim petition before the Tribunal seeking compensation in a sum of Rs.50,00,000/- for the injuries sustained by him. Since there was no representation on behalf of respondents, they were set ex parte before the Tribunal. On appreciation of materials and evidence, the Tribunal found that the accident had occurred due to the rash and negligent driving of the Car of the first respondent and hence, the respondents are liable to pay compensation. The Tribunal had awarded a sum of Rs.1,29,800/- as compensation. Not being satisfied with the quantum of compensation awarded by the Tribunal in and by the said ex parte award, the present appeal has been filed by appellant/claimant for enhancement of the compensation.

4. Today, when the matter is taken up for hearing, learned counsel for second respondent insurance company submits that they have filed an application in C.M.P.Sr.Nos.86199 to 86204 of 2019 before the Tribunal seeking to set aside the ex parte award and the same is still pending. Learned counsel further submits that even on the earlier occasion, this Court passed an interim order dated 20.12.2019 directing the Tribunal to dispose of the applications within a period of four weeks.

5. The interim order dated 20.12.2019 passed by this Court reads as follows:

'When the matter is taken up for hearing, learned counsel appearing for the second respondent/insurance company submitted that applications have been filed seeking to set aside the exparte order in CMP SR Nos.86199 to 86204 of 2019 in M.C.O.P.No.1765 of 2017 on the file of the III Court of Small Causes, Chennai.

2. In such view of the matter, Registry is directed to send back the records, if received, to the aforesaid Court at the earliest. If the records are available with the Tribunal, then the applications will have to be numbered and disposed of within a period of four weeks from the date of receipt of a copy of this order. If the records are received subsequently, as per our order, the Tribunal will have to dispose of the applications within a period of four weeks from the date of receipt of records.

Post the appeal after eight weeks.'

6. In the aforestated circumstance, this Court directs the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, to dispose of C.M.P.Sr.Nos.86199 to 86204 of 2019 within a period of four weeks from the date of receipt of this

order and in the event of allowing the applications, the Tribunal shall dispose of the main claim petition within a period of three months from the date of allowing the applications.

The Civil Miscellaneous Appeal is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

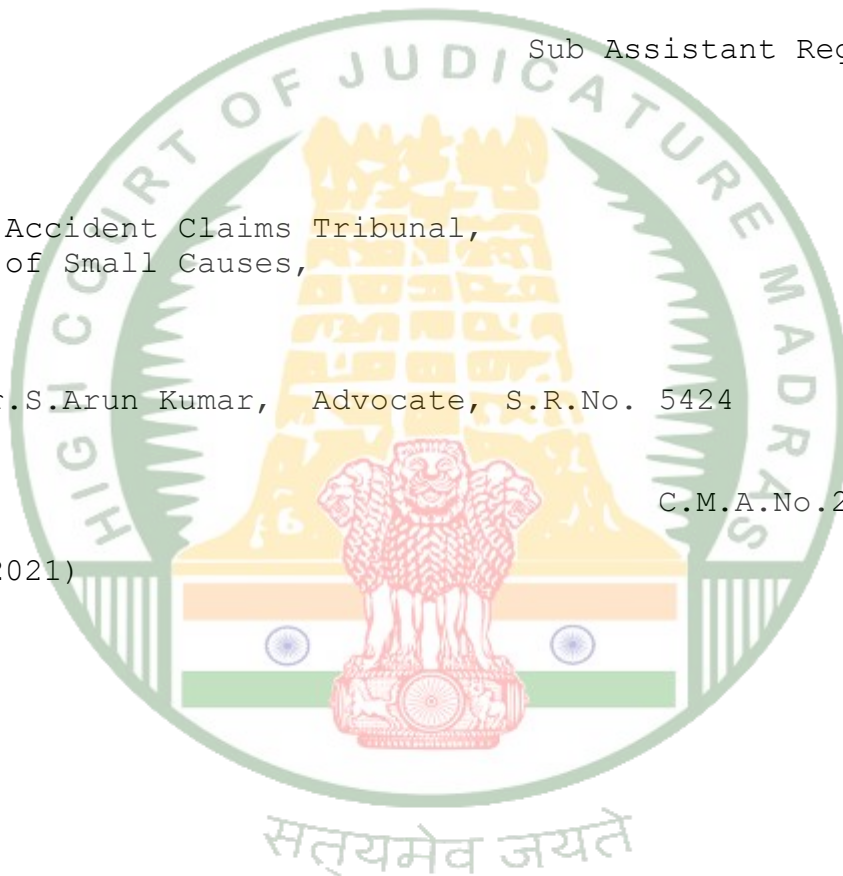
To

The Motor Accident Claims Tribunal,
III Court of Small Causes,
Chennai.

+1cc to Mr.S.Arun Kumar, Advocate, S.R.No. 5424

C.M.A.No.2678 of 2019

RSI (CO)
GN(18/03/2021)



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