

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.3022 of 2019

1.Indirani

W/o.Hari Krishnan

2.Hari Krishnan

S/o.Ramalingam

3.Marimuthu

(deaf & dumb person - represented by
his guardian and father, the second
appellant Hari Krishnan)

4.Jeyanthi

W/o.Poongavanam

... Appellants/Claimants

vs

1.Managing Director,

HGS Dairies and Agro Limited,
No.1/23, Subramaniyar Koil Street,
Kandamapuram, Vanagaram,
Chennai.

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

2.Divisional Manager,

Reliance General Insurance Company Limited,
No.6, Heddows Road,
Nungambakkam,
Chennai.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.173 of the Motor
Vehicles Act, 1988, against the judgment and decree dated
07.03.2019 passed in M.A.C.T.O.P.No.56 of 2017 on the file of
Motor Accident Claims Tribunal, Special Sub Court,
Tiruvannamalai.

For Appellants : 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 07.03.2019 passed in M.A.C.T.O.P.No.56 of 2017 on the file of Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai, appellants/claimants have filed the present appeal.

3. Appellants/claimants are parents, brother and sister of the deceased Senthil Kumar. The deceased Senthil Kumar died on 08.05.2016 in a road accident. Appellants/claimants filed a claim petition before the Tribunal seeking compensation in a sum of Rs.50,00,000/-. 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 held that the respondents are liable to pay compensation and awarded a sum of Rs.12,71,000/- as 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 I.A.No.1583 of 2019 before the Tribunal seeking to set aside the ex parte award and the same is pending and appellants/claimants have also filed their counter. Learned counsel further submits that the case is posted for enquiry on 24.02.2021.

4. In the aforesaid circumstances, this Court is of the opinion that instead of dealing with the present appeal, it would be appropriate to direct the Tribunal to take the interlocutory application and dispose of the same at the earliest.

5. Accordingly, this Court directs the Special Sub Court, Motor Accident Claims Tribunal, Tiruvannamalai, to dispose of I.A.No.1583 of 2019 at the earliest and in the event of allowing the application, the Tribunal shall dispose of the main claim petition within a period of three months from the date of allowing the application.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

gm

To
The Special Sub Court,
Motor Accident Claims Tribunal,
Tiruvannamalai.

Copy to

The Section Officer
VR Section
High Court, Madras

+1 cc to Mr.S.Arunkumar Advocate sr5422
+1 cc to M/s.M.Malar Advocate sr5045

C.M.A.No.3022 of 2019

ln(co)
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