

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.Nos.39, 850 of 2001 and
C.M.A.No.1468 of 2002

Ponmalar Katie Selvaraj

...1st Appellant/Claimant in CMA No.39 of 2001
...1st Respondent in CMA No.850 of 2001
and 1468 of 2002

Thenmalar Victoria Richard

...2nd Appellant/Claimant in CMA No.39 of 2001
...2nd Respondent in CMA No.850 of 2001
and 1468 of 2002

Vs.

1. Krishnamurthy ...1st Respondent in CMA No.39 of 2001
 ...3rd Respondent in CMA No.850 of 2001
 ...3rd Respondent in CMA No.1468 of 2002
2. S.K.L. Bus Service,
 rep by its Proprietor,
 Mr. K.P. Sudhakar,
 No.29, Othavadai Street,
 Pondicherry. ...2nd Respondent in CMA No.39 of 2001
 ...4th Respondent in CMA No.850 of 2001
 ...4th Respondent in CMA No.1468 of 12002
3. National Insurance Company Limited,
 Branch Office I, No.20-A, Jawaharlal
 Nehru Street,
 Pondicherry-1. ...3rd Respondent in CMA No.39 of 2001
 ...Petitioner in CMA No.850 of 2001
 ...5th Respondent in CMA No.1468 of 2002

4. Tamil Nadu Veterinary and Animal
Science University,
reptd by its Registrar,
Vepery High Road,
Chennai - 600 007 ...4th Respondent in CMA No.39 of 2001
 ...5th Respondent in CMA No.850 of 2001
 ...Petitioner in CMA No.1468 of 2002

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 23.8.2000 made in M.C.O.P.No.2084 of 1996 on the file of the Motor Accident Claims Tribunal (in the Chief Court of Small Causes), Chennai.

DECREE:This Appeal coming on for hearing on this day, upon perusing the Petition of Appeal, the award of the Tribunal below and the material papers in this case and upon hearing the arguments of M/s.G.Sumitra, Advocate for the Appellants in CMA No.39 of 2001, 1st and 2nd Respondents in CMA No.850 of 2001 and CMA No.1468 of 2002 Mr.A.N.Bharathi, Advocate for the 4th Respondents in CMA No.39 of 2001, Mr.S.Vadivel, Advocate for the Appellant in CMA No.850/2001 and 5th Respondent in CMA No.1468 of 2001, Mr.S.Thirumavalavan, Advocate for the 5th Respondent in CMA No.850 of 2001 and Appellant in CMA 1468/2001 first and Second Respondent not appeared either in person or by Counsel, this Court while allowing the CMA 1468/2002 filed by the University doth order and decree as follows;

i)that the Compensation as awarded by the Tribunal below be and hereby are confirmed;

ii)that the appeal CMA Nos.39 and 850 of 2001 filed by appellants/Claimants stand dismissed;

iii)that the 3rd Respondent in CMA No.39/2001/Appellant in CMA No.850/2001 fifth Respondent in CMA No.1468 of 2002/Insurance Company be and hereby is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP No.2084 of 1996 on the file of the Motor

Accidents Claims Tribunal (in the Court of Small Causes) Chennai, within a period of four months from the date of receipt of a copy of this Judgment;

iv)that on such depoist being made the Tribunal be and hereby is directed to transfer the award amount directly to the Bank account of the Respondents/Claimants through RTGS as per their respective shares, apportioned by the Tribunal, within a period of two weeks thereafter;

v)that the University is exonerated from paying the compensation awarded by the Tribunal;

vi)that the Tribunal shall refund the deposited amount if any, made by the 4th Respondent in CMA No.39/2001, 5th Respondent in CMA No.850 of 2001 Appellant in CMA No.1468 of 2002/University with accrued interest;

vii)that there be no costs in these appeals;

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

(arr)/(shk)

To:

- 1.The Chief Judge,
Motor Accident Claims Tribunal,
(in the Chief Court of Small Causes),
Chennai.
- 2.The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.S.Thirumavalavan, Advocate Sr.42904
+1cc to M/s.G.Sumithra, Advocate Sr.42715
+1cc to Mr.S.Vadivel, Advocate Sr.43154

Dated:25/08/2021

DECREE

C.M.A.Nos.39, 850, of 2001
and
C.M.A.No.1468 of 2002

Dismissing the CMA 39,850 of 2001 and
Allowing the CMA No.1468 of 2002
preferred against the Judgment and Decree
passed by the Motor Accident Claims
Tribunal (The Chief Court of Small
Causes) Chennai dated 23/08/2000 made in
MCOP No.2084 of 1996 and etc., as stated
therein.

rld[co]
srg 30/12/2021