



C.M.A.No.1324 of 2006

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1324 of 2006

1. Periyappappa
2. Chinnasamy

... Claimants/Appellants

Vs

1.T.R.Venkatachalam

2.National Insurance Company Ltd.,
Branch Office, Chetty Street,
Tiruchengode.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree made in MCOP.No.159/05 dated 30.11.05 on the file of the Motor Accident Claims Tribunal, Additional Special Court, Krishnagiri.



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For Appellants ... Mr.P.Vijendran

For Respondents ... Notice not ready [R1]
... Mr.S.Arun Kumar [R2]

JUDGMENT

Aggrieved by the impugned award passed by the Motor Accident Claims Tribunal, Additional Special Court, Krishnagiri in MCOP.No.159/05 dated 30.11.2005, the claimants are before this Court.

2. Brief facts which are necessary for disposal of this appeal are as follows:-

The appellants are the mother and father of the deceased Sankar. The deceased was working as a lorry driver under the 1st respondent. On.18.01.2005, at about 6 pm, when the deceased was driving a tripper lorry bearing Reg.No.KA09/33351 at Suruhalli Village survey field number 158/3 within the jurisdiction of Bettathapura police station, Mysore District, Karnataka State, the said lorry capsized and the deceased was caught under the wheels of the lorry thereby he sustained grievous injuries. Though immediately after the accident, the deceased was taken to the Hospital, he



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died on the way to the hospital. Aggrieved by the loss incurred in view of the said accident, the appellants have filed a claim petition in M.C.O.P.No.159 of 2005 claiming compensation amount of Rs.4,00,000/-. However, the Tribunal has rejected the claim of the appellants fixing negligence on the part of the deceased. Aggrieved the same, the claimants are before this Court.

3. Though very many grounds have been raised, however, when the matter is taken up for hearing, learned counsel appearing for the appellants submitted that this Court may grant liberty to the appellants to workout their remedy in the manner known to law under the Workmen Compensation Act.

4. Learned counsel appearing for the 2nd respondent/Insurance Company has no objection for this Court granting the said liberty.

5. In view of the aforesaid stand of the learned counsel appearing for the appellants, this Court is inclined to grant liberty to the appellants to workout their remedy before the appropriate forum and the period during which the appeal was pending before this Court shall stand excluded for the



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purpose of computation of limitation. The Civil Miscellaneous Appeal stands disposed of with the above liberty. There shall be no order as to costs.

10.10.2023

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

NHS

To

- 1.The Motor Accident Claims Tribunal,
Additional Special Court,
Krishnagiri.
- 2.The Section Officer,
V.R. Section,
High Court, Madras.



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M.DHANDAPANI, J

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