



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3292, 3303 & 3304 of 2019

Munusamy .. Appellant in CMA No.3292 of 2019
Kamala ... Appellant in CMA No.3303 of 2019

1. Kalpana
2. Kamala
3. Munusamy ... Appellants in CMA No.3304 of 2019

Vs.

1. Natarajan
2. The Divisional Manager,
L & T General Insurance company Ltd.,
G-1, Ground Floor,
Capital Towers,
180, Kodampakkam High Road,
Nungambakkam, Chennai. .. Respondents in all the cases

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 20.10.2014 made in MCOP.No.163, 160 and 190 of 2013 on the file of the Motor Vehicle Accidents claims Tribunal (Sub Judge) Gingee.

For Appellant : Mr.C.Thangaraj in all the cases
For Respondents : No appearance R1
Mr.S.Arunkumar For R2
(in all the cases)



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COMMON JUDGMENT

The appellants have come forward with these appeals seeking enhancement of compensation in the judgment and decree dated 20.10.2014 made in MCOP.No.163, 160 and 190 of 2013 on the file of the Motor Vehicle Accidents claims Tribunal (Sub Judge) Gingee.

2. The appellants are the claimant. The case of the claimants is that on 24.04.2013 at about 18.00 hours the claimants were travelling in the tractor bearing registration No.TN 16 0385 from Putheri Village towards his house, at the time, the driver of the vehicle applied sudden break, due to which, the claimants sustained injuries and admitted in the hospital for treatment. They filed separate claim petitions before the Tribunal against the owner of the vehicle and insurance company. Before the Tribunal, both the respondents were set ex-parte. Hence, the Tribunal has passed ex-parte award and directed the insurance company to pay compensation to the claimants.

3. Challenging the award, the claimants have filed the batch of appeal before this Court seeking enhancement of compensation.



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4. The learned counsel for the insurance company submitted that as against the ex-parte award, the insurance company has filed IA.No.900, 901 and 902 of 2019 in MCOP. Nos.160, 163 & 190 of 2013 before the Tribunal to reopen the cases afresh. Hence, this Court may set aside the award passed by the Tribunal and remand the matter back to the Tribunal for fresh consideration.

5. The learned counsel for the appellant has not raised any objection and submitted that this Court may direct the Tribunal to dispose of the case within the time stipulated by this Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the fact that the Tribunal has passed ex-parte award as against the insurance company and also of the fact that during pendency of these appeals, the insurance company has filed an IA before the Tribunal for conducting the cases afresh. In view of the above, this Court is inclined to



set aside the awards passed by the Tribunal and the same is remanded back to the Tribunal for fresh consideration. The Tribunal is directed to dispose of the same within a period of three weeks from the date of receipt of a copy of this order, on merits, after providing opportunity to the parties.

8. Accordingly, the civil miscellaneous appeals are allowed. No costs.

29.11.2023

Index : Yes
Speaking Order : Yes
rli

To

The Motor Vehicle Accidents claims Tribunal (Sub Judge) Gingee.



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M.DHANDAPANI,J.

Rli

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