



C.M.A.No.2980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on :10.01.2023

Judgment Pronounced on :23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2980 of 2022

1.M.Sathiyavathi
2.M.Thennilvan
3.M.Soundharya
4.M.Thenpandiyan

... Appellants

vs.

1.J.Uma Shankar
2.The Reliance General Insurance Company Limited,
H-Block, 4th street, Door No.12, H-2035,
15th Main Road, Anna Nagar (west),
Chennai – 600 040.
(No relief sought against the 1st respondent.
Hence notice may be dispensed with)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dtd 21.03.2019 made in M.C.O.P.No.3948 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.

For Appellant : Mr.S.Thirumavalavan

For R2 : Mr.P.Suresh Srinivasan



WEB COPY



C.M.A.No.2980 of 2022

JUDGMENT

This Civil Miscellaneous Appeal is filed against the Award and decree dated 21.03.2019 made in M.C.O.P.No.3948 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.

2. Mr.Suresh Srinivasan, learned counsel takes notice on behalf of the second respondent.

3. By consent of both the parties, this Civil Miscellaneous Appeal is taken up for final disposal at the admission stage itself.

4. The claim petitioners are the appellants herein seeking enhancement of compensation.

5. The factum of the accident and the manner of the accident and rash and negligence on the part of the driver of the offending vehicle are not disputed and hence the finding rendered by the trial Court is hereby confirmed.

6. On the point of quantum of compensation heard both sides.



C.M.A.No.2980 of 2022

7. The learned counsel for the appellant contended that the proposition laid down by the Supreme Court in Pranay Sethi case, reported in National Insurance Company Limited Vs. Pranay Sethi and others (S.L.P.(Civil) No.25590 of 2014, dated 31.10.2017) has to be applied.

8. On perusal of the records, I find that the Award was rendered in the year 2014 and Execution Petition has been filed subsequently and the amount of compensation has been deposited and the claimant has also withdrawn the amount.

9. It is to be noted that Pranay Sethi's judgment came into force in the year 2017. After Pranay Sethi's judgment, the claim petitioner has filed the enhancement appeal in the year 2021 and hence, I find that this appeal has been filed with long delay and hence the compensation awarded according to the existing rule and the award has also been deposited and the same has also been withdrawn by the claim petitioner herein and only after 7 years, they claimed enhancement of compensation based upon the Pranay Sethi's judgment rendered in the year 2017, namely 4 years after their judgment. Hence, I find that the compensation awarded as per the date of the accident and date of the delivery of the



C.M.A.No.2980 of 2022

judgment is just and fair and accordingly, I find no reason for enhancement of compensation.

10. In the result, this Civil Miscellaneous Appeal is dismissed.

No costs.

23.01.2023

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
nvi

To

1. The Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



WEB COPY



C.M.A.No.2980 of 2022

RMT.TEEKAA RAMAN, J.,

nvi

Judgment in
C.M.A.No.2980 of 2022

23.01.2023