



C.M.A.Nos.1156 and 1153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.06.2023

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

CMA.Nos.1156 and 1153 of 2023

and

CMP.Nos.11181 and 11178 of 2023

M/s. The New India Assurance Co. Ltd.,
Branch Office,
No.21/2, MSC Complex, 1st Floor,
South Indian Bank Upstairs,
Dharmapuri Main Road,
Omalur, Salem-636 455.

Divisional Office
Sethukrishna Trade Centre,
No.133/31-A, Trichy Main Road,
Kugai, Salem-636 006.

...Appellant in both C.M.A.Nos.

Vs.

1. Veerapathiran

...Respondent in C.M.A.No.1156 of 2023

2.Umapathy

...Respondent in C.M.A.No.1153 of 2023

3. D.Thangaraj

4. S.Raja

5. M/s. National Insurance Co. Ltd.,
Divisional Office,
Division No.10, Flat No.101-106,
N-1, BMC House, Connaught Palact,
New Delhi- 110 001.



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Divisional Office No.1, LRN Building,
Saradha College Main Road

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...Respondents in both C.M.A.Nos.

Prayer in CMA.No.1156 of 2023: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree passed in M.C.O.P.No.2019 of 2015 dated 08.03.2019 on the file of the Learned Motor Accident Claims Tribunal (II Special Sub-Ordinate Judge) Salem.

Prayer in CMA.No.1153 of 2023: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the Judgment and Decree passed in M.C.O.P.No.2027 of 2015 dated 08.03.2019 on the file of the Learned Motor Accident Claims Tribunal (II Special Sub-Ordinate Judge) Salem.

For Appellants in both CMA Nos. : Mr.J.Chandran

For R-1 in both CMA Nos. : Mr.R.Navaneetha Krishnan

For R-4 in both CMA Nos. : Mr.D.Bhaskaran

RR2 and 3 in both CMA Nos. : Ex-parte

COMMON JUDGMENT

It is submitted by the learned counsel for the appellant that the appeal was filed questioning both negligence as well as quantum of compensation. The learned counsel further submitted that in view of the finding on negligence by



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the Hon'ble Division Bench in its order dated 28.10.2022 in C.M.A.No.112 of 2022, which arose out of the same accident, negligence cannot be agitated in this appeal. The learned counsel further fairly submitted that the quantum of compensation awarded in both the appeals was fair, just and reasonable as the nature of injuries sustained by the claimants were very simple. Therefore the learned counsel submits that the award may be confirmed.

2. In view of the submission made by the learned counsel for the appellant, the award in C.M.A.No.1156 and 1153 of 2023 is confirmed. These appeals are accordingly dismissed. There shall be no order as to costs in these appeals. Consequently connected Miscellaneous Petitions are closed.

06.06.2023
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dsn

Speaking Order: Yes/No

Neutral Citation: Yes/No

Index: Yes/No



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N.MALA.J.,

dsn

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06.06.2023