



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.11.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

**C.M.A. NO. 693 of 2018
CROSS OBJECTION NO. 80 of 2024
AND C.M.P. NO. 6024 OF 2018**

C.M.A. NO. 693 of 2018

The Branch Manager,
Oriental Insurance Co. Ltd.,
Swami Ram, Tirath Nagar, New Delhi.

.. Appellant

- Vs -

1. Ponnammal
2. K.Vijayalakshmi
3. K.Ramachandran
4. K.Thangaraj
5. K.Srinivasan
6. Ram Kumar Kaushik
7. V.Pasupathi
8. The Branch Manager,
United India Insurance Co. Ltd.,
No.1170, Mettur Road, II Floor,
Erode.

.. Respondents

CROSS OBJECTION NO. 80 OF 2024

1. Ponnammal
2. K.Vijayalakshmi
3. K.Ramachandran
4. K.Thangaraj



5. K.Srinivasan

.. Cross Objectors

WEB COPY

- Vs -

1. The Branch Manager,
Oriental Insurance Co. Ltd.,
Swami Ram, Tirath Nagar, New Delhi.

2. Ram Kumar Kaushik

3. V.Pasupathi

4. The Branch Manager,
United India Insurance Co. Ltd.,
No.1170, Mettur Road, II Floor,
Erode.

... Respondents

Civil Miscellaneous Appeal filed u/s 173 of the Motor Vehicles Act to set aside the judgment and decree passed by the Tribunal in the above MCOP No.1069 of 2008 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Krishnagiri dated 15.02.2016.

Cross Objection filed under Order 41 Rule 22 of the Code of Civil Procedure to set aside the judgment and decree passed by the Tribunal in the above MCOP No.1069 of 2008 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Krishnagiri dated 15.02.2016.

For Appellant : Mr. M.Krishnamoorthy
in CMA No.693/2018
Ms.L.Manisha RR1 to 5



For Respondents : Mr.S.Arunkumar for R5
RR6 and 7 – Exparte
Ms.L.Manisha RR1 to 5
in CMA.No.693/2018
Mr.S.Arunkumar for R4
Mr.M.Krishnamoorthy R1
in X. Obj. 80 of 2024

COMMON JUDGMENT

While the appeal has been filed by the insurance company challenging the questioning the liability awarded by the Tribunal, the cross objection has been filed by the claimants challenging the inadequate compensation awarded by the Tribunal.

2. The learned counsel for the appellant submitted that already the 8th respondent insurance company has filed CMA.Nos.2246 of 2015 and 4846 of 2019 before this Court questioning the negligence and liability fixed on the appellant insurance company as well as the 8th respondent insurance company. This Court, vide its order dated 06.01.2020 dismissed the CMA.No.4846 of 2019. Subsequently, CMA.No.2246 of 2015 was dismissed vide order dated 02.03.2020 by confirming the liability as against both the insurance companies. Hence, the learned counsel prays that this Court may close the present appeal and cross objection as the very same



issue has already decided by this Court.

WEB COPY

3. Heard the learned counsel on either side and perused the Judgments in CMA.Nos.4846 of 2019 and 2246 of 2015. The relevant paragraph in CMA.No.4846 of 2019 dated 06.01.2020 is extracted hereunder:

"12. For the above reason, this civil miscellaneous appeal is dismissed and sum of Rs2,24,000/- awarded by the Tribunal as compensation to the respondents 1 to 5/claimants, along with interest and costs is confirmed. The respondents 6 to 8 and appellant-insurance company are jointly and severally directed to deposit the award amount along with proportionate interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of MCOP. No.1069 of 2008 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Krishnagiri. On such deposit, the respondents 1 to 5 are permitted to withdraw their respective share of the award amount, along with proportionate interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed."



4. Recording the submission made by the learned counsel for the appellant and in view of the earlier order passed by the learned Single Judge of this Court, the civil miscellaneous appeal and the Cross Objection are dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

06.11.2024

Index : Yes / No

Internet : Yes / No

rli

To

The Motor Accidents Claims Tribunal

(Additional District Judge) at Krishnagiri



WEB COPY



6

M.DHANDAPANI, J.

rli

**C.M.A. NO. 693 of 2018
CROSS OBJECTION NO. 80 of 2024
AND C.M.P. NO. 6024 OF 2018**

06.11.2024