



WEB COPY



C.M.A.Nos.3601 and 3602 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.Nos.3601 and 3602 of 2019

Rajamani ... Appellant in C.M.A.3601/2019

Jayanthi ... Appellant in C.M.A.3602/2019

Vs.

1.Yuvaraj

2.Arthanari

3.TATA AIG General Insurance Co. Ltd.,

3rd Floor, Jaya Enclave,

1057, Avinasi Road,

Coimbatore.

... Respondents in both the C.M.As.

Common Prayer:

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.Nos.24 and 85 of 2014 respectively, dated 22.01.2019 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge Court, Tiruchengode.

For Appellants : Mr.T.S.Arthanareeswaran

For Respondents : R1 & R2 – NRN

Mr.J.Michael Visuvasam for R3



C.M.A.Nos.3601 and 3602 of 2019

WEB COPY

COMMON JUDGMENT

These appeals have been filed by the appellants/ claimants seeking enhancement of the compensation awarded by the Motor Accidents Claims Tribunal / Subordinate Judge Court, Tiruchengode, in the judgment dated 22.01.2019 made in M.C.O.P.Nos.24 and 85 of 2014 respectively.

2.The brief facts of the case is that on 12.12.2012 at about 03.15 p.m., the petitioner in M.C.O.P.No.85 of 2014 was riding the motorcycle bearing Registration No.TN-34-M-9312 along with the petitioner in M.C.O.P.No.24 of 2014 as pillion rider in Thiruchengode – Kokkarayanpettai Road in North to South direction near Velavan Kalyana Mandapam. At that time, the motorcycle bearing Registration No.TN-28-L-4133 came in a rash and negligent manner in the opposite direction and dashed against the motorcycle driven by the claimant, due to which, the claimants/ appellants sustained grievous injuries.

3.Thereafter, the injured appellants filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of



C.M.A.Nos.3601 and 3602 of 2019

Rs.15Lakhs. After adjudication, the Tribunal, awarded a sum of Rs.1,63,486/- and Rs.82,369/- respectively, with interest at the rate of 7.5% from the date of petition till the date of realization and cost and directed the third respondent Insurance Company to pay the compensation. Aggrieved by the same, the injured claimants have filed these appeals seeking enhancement of compensation.

4.The learned counsel appearing for the appellants claimants submitted that the Tribunal did not adjudicate the issue properly and awarded only a meagre sum of compensation. This Court may enhance the amount awarded as compensation.

5.The learned counsel appearing for the third respondent Insurance Company submitted that the Tribunal after considering all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

6.Heard the arguments advanced by the learned counsel appearing for the appellants claimants as well as the learned counsel appearing for the third respondent Insurance Company and perused



C.M.A.Nos.3601 and 3602 of 2019

the materials available on record.

WEB COPY

7.The accident and the manner in which the accident happened are not disputed. The injured claimants sustained only lacerated injuries. Hence, in the opinion of this Court, the Tribunal after considering all the factual aspects, has awarded compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

8.The civil miscellaneous appeals are dismissed. The judgment and decree dated 22.01.2019 made in M.C.O.P.Nos.24 and 85 of 2014 respectively, by the Motor Accidents Claims Tribunal / Subordinate Judge Court, Tiruchengode, is confirmed. No costs.

20.11.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal/
Subordinate Judge Court, Tiruchengode.

4/5



WEB COPY



C.M.A.Nos.3601 and 3602 of 2019

M.DHANDAPANI,J.
pri

C.M.A.Nos.3601 and 3602 of 2019

20.11.2024