



C.M.A.Nos.2470 and 2475 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.Nos.2470 and 2475 of 2022

Stanley @ Stanly Chelladurai .. Appellant in C.M.A.No.
2470 of 2022

Steve Mark .. Appellant in C.M.A.No.
2475 of 2022

..Vs..

1. Rathnasabapathy

2. The New India Assurance Company Limited,
Divisional Office, Bharathidasan Salai,
Cantonment, Trichy, Having branch at
Bhagavathi Complex, Ashwin Sweet,
Opposite to new bus stand,
Perambalur.

.. Respondents in both
C.M.A.'s

Prayer in C.M.A.No.2470 of 2022: This Civil Miscellaneous Appeals is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 23.04.2022 made in M.C.O.P.No. 739 of 2017, on the file of Motor Accidents Claims Tribunal/Principal District Judge, Perambalur.



Prayer in C.M.A.No.2475 of 2022: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside and enhance the compensation under Section 166 of the Motor Vehicles Act and fix the entire liability on the 2nd respondent made in M.C.O.P.No740 of 2017 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

For Appellants : Mr.S.P.Yuaraj
For Respondents : No appearance (R1)
Mr.J.Chandran (R2)

COMMON JUDGMENT

Since these Appeals arise out of common award, dated 23.04.2022 passed by the Tribunal, granting compensation to the claimants/appellants who sustained injuries in the same accident, these appeals are taken up together and being disposed of vide this common Judgment.

2. C.M.A.No.2470 of 2022 has been filed for enhancement of compensation granted by the award dated 23.04.2022 made in M.C.O.P.No.739 of 2017 on the file of the Motor Accidents Claims Tribunal/Principal District Judge, Perambalur.

3. C.M.A.No.2475 of 2022 has been filed for enhancement of



compensation granted by the award dated 23.04.2022 made in M.C.O.P.No.740 of 2017 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Perambalur.

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2. The appellants are the claimants in M.C.O.P.Nos.739 and 740 of 2017 on the file of *Motor Accidents Claims Tribunal, Principal District Judge, Perambalur*. They filed the above said claim petitions, claiming a sum of Rs.7,00,000/- to each claimants, as compensation in respect of the injuries sustained by them in an accident that took place on 24.05.2017.

3.The Tribunal, on consideration of the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent act of the driver of the lorry bearing Registration No.TN 40 M 3496, belonging to the 1st respondent and directed the 2nd respondent-Insurance Company to pay a sum of **Rs.25,000/-** as compensation to each of the appellants.

4.Not being satisfied with the amount awarded by the Tribunal, the appellants in both M.C.O.Ps have come out with the present appeal seeking enhancement of compensation.



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5. The learned counsel for the appellants though contended that the claimants are entitled to the more compensation than awarded by the Tribunal, however, ultimately, he has fairly agreed that the compensation awarded by the Tribunal is just and fair and urged this Court that the same may be confirmed.

6. The learned counsel appearing for the 2nd respondent-Insurance Company contended that the Tribunal on considering both oral and documentary evidence has rightly awarded the compensation to the appellants. The appellants have not made out any case for enhancement of compensation and prayed for dismissal of the appeal.

7. Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the 2nd respondent-Insurance Company and perused the entire materials on record.

8. A perusal of the Award passed by the Tribunal shows that the Tribunal on considering both oral and documentary evidence has rightly awarded a lumpsum of Rs.25,000/- to each of the appellants as compensation



for the injuries sustained by them, which in the opinion of this Court is just and reasonable and hence, the same is hereby confirmed.

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9.In the result, these Civil Miscellaneous Appeals are dismissed and the compensation awarded by the Tribunal at Rs.25,000/- in M.C.O.P.Nos. 739 and 740 of 2017 is hereby confirmed. The 2nd respondent/Insurance company is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. Nos.739 and 740 of 2017 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Perambalau, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the appellant/claimant in both Appeals, through RTGS, within a period of three weeks thereafter. No costs.

12.02.2024

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Index : Yes / No

Internet : Yes / No



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To

1. The New India Assurance Comany Limited,
Divisional Office, Bharathidasan Salai,
Cantonment, Trichy, Having branch at
Bhagavathi Complex, Ashwin Sweet,
Opposite to new bus stand,
Perambalur.
2. The Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.
3. The Section Officer,
VR Section,
High Court,
Madras.



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KRISHNAN RAMASAMY, J.

arr

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