



WEB COPY



C.M.A.No.1111 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR

AND

THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

C.M.A.No.1111 of 2021

1.Paramasivam

2.Rajeswari

3.Praba

.. Appellants

Vs.

1.The Managing Director
TNSTC, Villupuram

2.P.Harikrishnan (Driver)
Dr.No.4742, TNSTC
Vadalur Depot

3.N.Kumar

.. Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order dated 30.09.2020 passed in MACTOP.No.151 of 2015 on the file of the Motor Accident Claims Tribunal, Tindivanam.

For Appellants	: Mr.D.Kumaralingam
For R1	: Mrs.S.Shathakumari
For RR2 & 3	: No appearance



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JUDGMENT

(Delivered by R. SURESH KUMAR, J.)

This Civil Miscellaneous Appeal has arisen out of the award passed by the Motor Accident Claims Tribunal, I Additional District Court, Tindivanam, in M.C.O.P.No.151/2015 dated 30.09.2020.

2. Though this appeal has been filed by the claimant for enhancement of the award passed by the Tribunal, it is brought to our notice by the learned counsel appearing for both sides that as against the very same award, the 1st respondent Transport Corporation had filed C.M.A.No.1251/2021 subsequent to the instant appeal and the said C.M.A.No.1251/2021 was heard and disposed by a Division Bench of this Court by judgment dated 10.08.2022 in the matter of ***The Managing Director, TNSTC, Villupuram Vs. Paramasivam and Others.***

3. Ultimately, the Division Bench has passed the following order in the said C.M.A.No.1251/2021 :

“13. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.37,06,800/- is hereby reduced to Rs.26,60,300/-. The appellant-



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Transport Corporation is directed to deposit the award amount now determined by this Court along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of twelve weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.151 of 2015, on the file of the Motor Accident Claims Tribunal, I Additional District Court, Tindivanam. On such deposit, the respondents 1 to 3 are permitted to withdraw their respective share of the award amount now determined by this Court as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. The appellant is permitted to withdraw the excess amount lying in the credit of M.C.O.P.No.151 of 2015, if the entire award amount has been already deposited by them. Consequently the connected Miscellaneous Petition is closed. No costs."

4. Since the Division Bench had already disposed the said appeal i.e., C.M.A.No.1251/2021, where the award amount passed by the Tribunal to the extent of Rs.37,06,800/- was reduced into Rs.26,60,300/-, for which reasons have been stated by the Division Bench and the said judgment has not been appealed so far. The said judgment is binding as it is arising out of the very same impugned award passed by the Tribunal.

5. In that view of the matter, there is absolutely no scope to entertain the instant appeal with regard to the plea raised by the appellant herein for enhancement of compensation and this civil miscellaneous appeal deserves to



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be dismissed. It is made clear that in case, the appellant herein is advised to agitate the order passed by the Division Bench dated 10.08.2022 in C.M.A.No.1251/2021 in the manner known to law, depending upon such a development, it is further open to the appellant to re-agitate the issue in this appeal also.

With this observation, this Civil Miscellaneous Appeal is dismissed.

There shall be no order as to costs.

[R.S.K.,J.] [A.D.M.C., J.]
13.02.2025

Index : Yes / No
Neutral Citation : Yes/No
gya

To
Motor Accident Claims Tribunal
I Additional District Court, Tindivanam



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