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Cross Objection No.24 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.01.2025**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Cross Objection No.24 of 2024

1.J.Easwari

2.Minor.Dharanitharan

Rep. by natural guardian & mother Easwari

Tulasiammal (Died)

... Cross Objectors

Vs.

1.The Managing Director,
TNSTC, Coimbatore.

2.N.Murali

... Respondents

[The 2nd respondent remained ex-parte before the Tribunal,
hence notice may be dispensed with in this cross appeal]

Prayer: Cross Objection filed under Order 41 Rule 22 of CPC, praying to enhance the award amount in the Decree and Judgment dated 20.04.2006 made in MCOP No.176 of 2003 on the file of MACT/ Sub Court, Pollachi by allowing this cross objection.



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For Cross Objectors : Mr.Ma.P.Thangavel

For Respondents : Mr.M.Murali Vinoth [R1]

JUDGMENT

The claimants have filed this Cross Objection seeking an enhancement of the compensation amount passed by the Motor Accidents Claims Tribunal/Sub Court, Pollachi in M.C.O.P.No.176 of 2003 dated 20.04.2006.

2. When the matter is taken up for hearing today, though the present cross objection has been filed by the claimants seeking enhancement, however, the 1st respondent/Transport Corporation has already filed an appeal before this Court in C.M.A.No.2673 of 2009 and the same was disposed by the Lok Adalat vide Lok Adalat award dated 08.12.2018, observing that, as on date, no cross objection is pending and no notice was received by the Transport Corporation as to filing of cross objection by the claimants, thereby, before the National Lok Adalat, the award was confirmed by directing the Transport Corporation to deposit the entire



compensation amount. After disposal of the said appeal, the present cross objection is filed in the year 2024. By relying on the judgment of the Hon'ble Apex Court reported in **(2020) 11 SCC 316**, even the civil miscellaneous appeal is dismissed, the claimants are entitled to be heard in the Cross Objection. Accordingly, he prays for appropriate orders.

3. However, in the case relied upon by the learned counsel, the civil miscellaneous appeal and the cross objection were filed together and at the time of disposal of the civil miscellaneous appeal, the cross objection was pending. In that background, the Hon'ble Apex Court held in favour of the claimants. However, in the present case, the civil miscellaneous appeal filed by the Transport Corporation ended before the Lok Adalat on 08.12.2018 itself, however, the present cross objection is filed in the year 2024, which is after the disposal of the appeal, which is *per se* unsustainable. Hence, the decision of the Apex Court is not applicable to the case on hand and this cross objection is liable to be dismissed.



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4. Accordingly, this Cross Objection is dismissed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes / No

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To

The Motor Accidents Claims Tribunal/Sub Court, Pollachi.

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