



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.M.A (MD) No.1395 of 2015

and

M.P (MD) No.4 of 2015

M/s National Insurance Co.Ltd.,
through its Divisional Manager,
New Delhi.

.. Appellant/Respondent No.2

-Vs-

1.N.Murugeselvam

.. Respondent No. 1 /Petitioner

2.Ashok Kumar Reddy Dumpala

.. Respondent No.2/Respondent No.1

Prayer:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 25.05.2011 passed in M.C.O.P.No.162 of 2009 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate, Thanjavur at Kumbakonam.

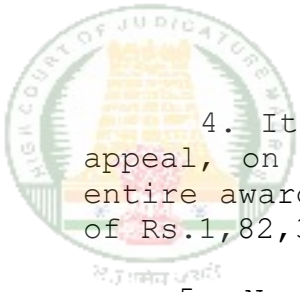
For Appellant : Ms.P.Malini
For Respondents : Mr.T.V.Sivakumar
for R.1

JUDGMENT

Challenging the award dated 25.05.2011 made in the claim petition in M.C.O.P.No.162 of 2009, on the file of the Motor Accident Claims Tribunal (the learned Chief Judicial Magistrate), Thanjavur at Kumbakonam, the present appeal has been filed by the second respondent-Insurance Company on the ground of quantum alone.

2. It is apparent from the records that the claimant, being the injured, had moved the Motor Accident Claims Tribunal with the claim petition in M.C.O.P.No.162 of 2009 claiming totally a sum of Rupees Five Lakhs for the injuries sustained by him in a road traffic accident, said to have been taken place on 03.03.2007, involving a a Maruthi Bolero Car bearing Registration No.KA-51-M-772, belonging to the first respondent. The claim petition was resisted by the second respondent while the first respondent-owner of the vehicle remained ex-parte. After evaluating the evidences both oral and documentary, the Motor Accident Claims Tribunal had proceeded the award totally a sum of Rs.1,21,000/- directing the appellant-Insurance Company to pay this amount with interest at the rate of 7.5% per annum from the date of petition till the date of deposit into the Court.

3. Challenging the quantum of award, now the appellant - Insurance Company has filed this Civil Miscellaneous Appeal.



4. It is brought to the notice of this Court that after filing the appeal, on 04.07.2015, the appellant-Insurance Company had deposited the entire award amount along with accrued interest and costs totalling a sum of Rs.1,82,336/-.

5. Now, Mr.T.V.Sivakumar, learned Counsel appearing for the first respondent/injured claimant has submitted that on 04.07.2015, a full satisfaction memo was filed before the Tribunal saying that the claimant/first respondent herein had received a sum of Rs.1,82,336/- towards the award amount in this case by means of a cheque. Therefore, he has submitted that the appeal might be dismissed as the full satisfaction memo was recorded by the Tribunal.

6. Ms.P.Malini, learned Counsel appearing for the appellant-Insurance Company has also conceded this fact.

7. Keeping in view of the above facts, this Court finds that this Civil Miscellaneous Appeal does not have any merit to succeed. Therefore, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
cum Chief Judicial Magistrate Court,
Thanjavur at Kumbakonam.

+1cc M/s.P.Malani, Advocate SR.No.76013

TE:GSV-An:18.2.2016:2P/3c

C.M.A (MD) No.1395 of 2015
and
M.P (MD) No.1 of 2015
21.12.2015