

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

CMA No.353 of 2015

and

M.P. Nos. 1,2,3 and 4 of 2015

M/s. New India Assurance Co. Ltd.,

Registered Office:

No.68, Purasawalkam High Road,

Purasawalkam, Chennai 600 007. ...Appellant/2nd Respondent

Vs.

1. Tmt. Shanthi

2. Mr.Siva

3. Mr.Viji @ Raj

4. M.Sankaran

...Respondents/Petitioner 1
to 3 I Respondent

Prayer: Civil Miscellaneous Appeal challenging the judgement and decree passed in MCOP No. 2420 of 2011 on 03.09.2014 on the file of the Learned Motor Accident Claims Tribunal (V - Judge) Small Causes Court, Chennai.

For Appellant : Mr.J.Chandran

For Respondent : Mr.K.V.Muthu Visakan

O R D E R

This appeal is filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Chennai, awarding total compensation of Rs.11,75,000/- to the claimants, resulting out of an accident wherein the victim died due to fatal injury. Though this appeal is filed by the appellant by questioning the quantum, both the parties have now arrived at a settlement whereby, the insurance company agreed to pay Rs.10,75,000/- instead of Rs.11,75,000/- as ordered by the Tribunal.

2. The learned counsel appearing for the claimants/respondents submitted that the said offer is accepted by the respondents and therefore, this appeal may be disposed of in terms of such settlement. Today a calculation memo is also filed signed by both the counsels wherein, the amount agreed to be paid in the appeal is shown as

Rs.10,75,000/-.

3. In view of the above stated facts and circumstances, since the award amount has already been deposited by the appellant in the Tribunal below, this appeal is disposed of by permitting the claimants to withdraw Rs.10,75,000/- with accrued interest as on today, by making appropriate application before the Tribunal below.

4. The learned counsel appearing for the appellant seeks permission to withdraw the balance amount available before the Tribunal. Accordingly, the appellant is also permitted to withdraw the balance amount by making appropriate application before the Tribunal below.

Thus, the present appeal is disposed of in the above terms. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rms

To

1. The Motor Accident Claims Tribunal (V Judge)
Small causes Court, Chennai.

2. The Section Officer, VR Section,
High Court, Madras.

1 cc to Mr.K.V.Muthu Visakan, Advocate, sr.21873

1 cc to Mr.J.Chandran, Advocate, sr.21467

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