



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM:

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.(MD)No.1910 of 2013

The Divisional Manager,
Oriental Insurance Co. Ltd.,
Divisional Office - I,
Pangoor Dharmasala Building - 3rd Floor,
No.6A, West Veli Street,
Madurai Town.

... Appellant/2nd Respondent

Vs.

1.Mohammed Mansoor (died) ... 1st Respondent/1st Petitioner2.Mehar Nishal Begam ... 2nd Respondent/2nd Petitioner

3. M/s.Krishnaveni Transports,
represented through its owner,
Door No.147-A,
South Masi Street,
Madurai Town.
(R.3 - Given Up) ... 3rd Respondent/1st Respondent

4. K.J.Madhavan ... 4th Respondent/3rd Respondent

5. The Divisional Manager,
New India Assurance Company Limited,
Divisional Office,
248-B, Kamarajar Salai,
Madurai Town. ... 5th Respondent/4th Respondent

6.Shake Abdhulah ... 6th Respondent/5th Respondent

7.Sahabudeen

8.Shajithaparveen

9.Vajiha Banu

... Respondents 7 to 9/
LRs. of the deceased 1st Respondent

**(R.7 to R.9 are brought on record as L.Rs. of
the deceased first respondent, vide order of
this Court dated 07.12.2016 made in C.M.P(MD)
No.2872 to 2874 of 2016, in C.M.A(MD)No.1910
of 2013.)**

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act,
1988, against the judgment and decree passed in M.C.O.P.No.46 of
<https://hcservices.ecourts.gov.in/hcservices/>
2010, on the file of the Motor Accident Claims Tribunal cum Sub
Court, Paramakudi, dated 11.04.2011.



For Appellants : Mr.C.Jawahar Ravindran

For Respondents : Mr.D.Senthil for R.2, R.7 to R.9

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No appearance for R.3 to R.6

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant-Insurance Company against the award of Rs.3,42,000/- (Rupees Three Lakhs and Forty Two Thousand only) for the death of one Shakila Begum @ Shakila, daughter of Mohammed Mansoor in the accident occurred on 31.10.2009. Therefore, the claim petition was filed by the parents of the deceased, namely, Mohammed Mansoor and Mehar Nishal Begum.

2. This Court passed a conditional order of stay on 20.11.2013 to deposit the entire award amount along with interest and costs, out of which, a sum of Rs.2,16,000/- (Rupees Two Lakhs and Sixteen Thousand only), being the 50% of the deposited amount along with interest, was already allowed to be withdrawn as per the order of this Court in M.P(MD)No.1 of 2014 in C.M.A(MD)No.1910 of 2013, dated 06.03.2014..

3. Thereafter, the father of the deceased, namely, Mohammed Mansoor died and later, the matter was referred to the Lok Adalat and the matter was settled, by which, the parents of the deceased agreed for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) apart from the above said sum of Rs.2,16,000/- (Rupees Two Lakhs and Sixteen Thousand only) which was already withdrawn by them.

4. Since the father of the deceased passed away, his legal representatives have to be impleaded and therefore, the settlement between the parties has not been recorded and the Lok Adalat referred back the matter to this Court.

5. Thereafter, the second respondent/second petitioner filed C.M.P(MD)Nos.2872 to 2874 of 2016 in C.M.A(MD)No.1910 of 2013 to bring on record the legal representatives of the deceased first respondent/father of the deceased setting out the details and vide order dated 07.12.2016, passed in C.M.P(MD)Nos.2872 to 2874 of 2016 in C.M.A(MD)No.1910 of 2013, they have been impleaded as the respondents 7 to 9.

6. The said fact is also accepted by the learned Counsel for the appellant and an endorsement has also been made to that



7. In view of the same, this Civil Miscellaneous Appeal is **disposed of**, in terms of the settlement/understanding reached between the parties, by which, the compensation has been reduced to a sum of Rs.4,16,000/- (Rupees Four Lakhs and Sixteen Thousand only) **in full quit**, out of which, a sum of Rs.2,16,000/- (Rupees Two Lakhs and Sixteen Thousand only) was already withdrawn by the claimants, as per the order of this Court in M.P(MD)No.1 of 2014 in C.M.A(MD)No.1910 of 2013, dated 06.03.2014 and therefore, the appellant-Insurance Company is directed to deposit a sum of **Rs.2,00,000/-** (Rupees Two Lakhs only) before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment. The second respondent/second claimant as well as the respondents 7 to 9/legal representatives of the deceased first respondent/first claimant are permitted to withdraw the said sum of Rs.2,00,000/- (Rupees Two Lakhs only) **equally** at the rate of Rs.50,000/- (Rupees Fifty Thousand only) **each** and the balance amount, if any, which is lying to the credit of M.C.O.P.No.46 of 2010 on the file of the Motor Accident Claims Tribunal - Sub Court, Paramakudi, is directed to be withdrawn by the appellant-Insurance Company. No costs.

Sd/
Assistant Registrar(A.S.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Subordinate Judge, The Motor Accident Claims Tribunal,
Paramakudi.

+1cc to M/s.C.Jawahar Ravindran, Advocate, in SR No.82216.

+1cc to M/s.D.Senthil, Advocate, in SR No.82649.

C.M.A. (MD) No.1910 of 2013
20.12.2016

rsb
msm-em/sar3/23.12.16/p3/4c(IT)