

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2496 of 2016

and CMP.Nos.8191 of 2017 and 17639 of 2016

M/s. The New India Assurance
Company Limited,
No.2A, III Main Road,
Dhandeeswaram Nagar,
Velacheri,
Chennai-600 042

... Appellant/II Respondent

vs.

1. Rahim @ Abdul Rahim ...Ist Respondent/Petitioner

2.G. Manickhavachagan ... II Respondents/I Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set-aside the Decree and Judgment dated 23rd March, 2016, in M.C.O.P.No.4103 of 2013, passed by the Motor Accidents Claims Tribunal, (II Court of Small Causes), at Chennai.

For Appellant : Mr.J.Michael Visuvasam
For Respondent : Mr.K.Varadha Kamaraj

J U D G M E N T
सत्यमेव जयते

[Order of the Court was made by S.MANIKUMAR, J.]

Being aggrieved by the quantum of compensation of Rs.42,00,000/- with interest at the rate of 7.5% per annum, from the date of claim till realisation, awarded to the injured in M.C.O.P.No.4103 of 2013, dated 23.03.2016 on the file of MACT [II Court of Small Causes], Chennai, New India Assurance Company Limited, Chennai is on appeal, questioning the quantum of compensation.

2. On this day, when the matter came up for hearing, Mr.J.Michael Visuvasam, learned counsel for M/s.New India Assurance Company Limited, Chennai and Mr.K.Varadha Kamaraj,

learned counsel appearing for the injured/1st respondent submitted that during the pendency of this appeal, parties have negotiated and arrived at a settlement of waiving 50% of the interest, on the quantum of compensation stated supra. Learned counsel further submitted that award amount is retained.

3. Submission of the learned counsel is placed on record.

4. Record of proceedings shows that on 10.11.2016 in CMP No.17639 of 2016 in CMA No.2496 of 2016, this Court has passed the following order.

"There shall be an order of interim stay on condition that the petitioner deposits 50% of the award amount, together with the interest thereon, less the amount already deposited, if any, to the credit of M.C.O.P.No.4103 of 2013, on the file of Motor Accidents Claims Tribunal [II Court of Small Causes], Chennai, within a period of Six weeks from the date of receipt of a copy of this order, failing which, the interim stay granted herein shall stand vacated, automatically, without further reference to this Court. On such deposit being made, the Motor Accidents Claims Tribunal [II Court of Small Causes], Chennai, is directed to deposit the same in any one of the nationalised banks, initially, for a period of one year and renewable thereafter, till the disposal of the appeal. Notice to the respondents".

5. Mr.J.Michael Visuvasam, learned counsel for the appellant-Insurance Company submitted that on 02.05.2017, the balance amount excluding interest stated supra, has been deposited to the credit of M.C.O.P.No.4103 of 2013 on the file of MACT [II Court of Small Causes], Chennai.

6. Inasmuch as the parties have settled the matter and deposit has already been made, no further orders are required in this appeal. Hence, the Civil Miscellaneous Appeal is disposed of. No Costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accidents Claims Tribunal,
[II Court of Small Causes], Chennai.

+1 Cc to Mr.K.Varadha Kamaraj, Advocate sr 41092
+1 CC to Mr.J.Michael Visuvasam, Advocate sr 41236
+1 CC to Mr.J.Michael Visuvasam, Advocate sr 41236(28/06/2017)

C.M.A.No.2496 of 2016
and CMP.Nos.8191 of 2017
and 17639 of 2016

CNR(CO)
sp/19/6



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