

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.Nos.2844 of 2009 & 979 of 2010

C.M.A.No.2844 of 2009

1.N.Diviya
2.N.Rajasekar ...Appellants/Respondents 1 & 2

Vs.

1.Mrs.B.Premalatha
2.B.Monnika (Minor)
Represented by her mother & next friend,
Mrs.B.Premalatha
3.K.Selvathai
4.P.Kandasamy ... Respondents/Petitioners

C.M.A.No.979 of 2010

1.Mrs.B.Premalatha
2.B.Monnika (Minor),
Represented by her mother
3.K.Selvathai
4.P.Kandasamy ... Appellants/Petitioners

Vs. सत्यमेव जयते

1.N.Diviya
2.N.Rajasekar ... Respondent/Respondent

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COMMON PRAYER:

These Civil Miscellaneous Appeals filed Under Section 173 of the Motor Vehicles Act, 1988, against the fair and decretal order dt. 12.01.2009 in M.C.O.P.No.1377 of 2006 on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes) at Chennai.

For Appellant : Mr.A.N.Viswanatha Rao
(in CMA2844/2009)

For Appellant : Mr.K.Nagarajan
(in CMA 979/2010)

For Respondents : Mr.K.Nagarajan-R1 to R4
(in CMA2844/2009)

For Respondents : Mr.A.N.Viswanatha Rao-R1 & R2
(in CMA 979/2010)

C O M M O N J U D G M E N T

NOOTY.RAMAMOHANA RAO, J.,

We have heard C.M.A.No. 2844 of 2009 along with C.M.A.No. 979 of 2010, as they arose from out of the same Motor Accidents Claims in O.P.No.1377 of 2006.

2.Fortunately, our advice for an out of Court amicable settlement has been accepted by both sides.

3.The learned Counsel and the respective parties have accordingly settled the terms and filed a Joint Memo of compromise, today (10.04.2017), into the Registry.

4.We accept the Joint Memo and take it on record.

5.The only addition we need to make is that the third appellant Mrs.K.Selvathai, in C.M.A.No.979 of 2010, is entitled to receive a sum of Rs.75,000/- (Rupees Seventy Five Thousand only), including her own share & interest and that of the fourth appellant.

6.The first appellant Mrs.B.Premalatha, in C.M.A.No.979 of 2010, has already received a sum of Rs.5,00,000/- (Rupees Five Laksh only) by way of Demand Draft.

7.So far as the share of the second appellant/minor D.Monnika in C.M.A.No.979 of 2010, is concerned, a sum of Rs.3,66,160/- (Rupees Three Lakhs Sixty Six Thousand One Hundred and Sixty only), shall lie in an interest bearing fixed deposit drawn on any one of the Nationalized Banks and the interest accruing there on may be paid for her up-keep, including the amount to be spent for her education etc. Only on attaining the age of majority, she can maintain an appropriate Application for withdrawal of the money, but not until then.

8.The decree be now drawn in terms of the Joint Memorandum of compromise and also in terms of what has been observed by us, supra.

Both the Civil Miscellaneous Appeals stand disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

abr/rpa

To

1.The learned Judge,
Motor Accidents Claims Tribunal
(Chief Judge, Court of Small Causes) at chennai.

2.The Section Officer
V.R.Section
Madras High Court, Chennai.

+1cc to Mr.A.N.Viswanatha Rao,Advocate sr.22293

C.M.A.Nos.2844 of 2009 &
979 of 2010

nm(co)
ss(12/5/2017)

सत्यमेव जयते

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