

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.2731 of 2012
and M.P.No.1 of 2012, CMP.Nos.10366 and 10367 of 2016

The Oriental Insurance Co. Ltd.,\
CBO IX, Periamet, No.28, Karna Street,
Periamet, Chennai-3.

..Appellant/
2nd Respondent

vs.

R.Mohan (deceased)
1.M.Lalitha Mohan
2.M.Prasanth
3.M.Prakash
4.Alamelu

.. 1 to 4 Respondents/
Claimants
.. 5th Respondents-
1st Respondent

5.M.Ramanathan
(5th respondent remained
exparte before the
Tribunal)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 19.11.2011 made in M.C.O.P.No.700 of 2008 on the file of the Motor Accident Claims Tribunal (V Court of Small Causes), Madras.

For Appellant : Mr.S.Manohar

For Respondent : Mr.Om Prakash
for M/s.Ramalingam Associates
for R1 to R4.

J U D G M E N T

(Order of the Court was made by M.Sathyannarayanan, J.)

The Insurance Company/second respondent in M.C.O.P.No.700 of 2008 on the file of the Motor Accident Claims Tribunal (V Small Causes Court), Chennai is the appellant and aggrieved by the quantum of compensation, had filed this appeal and it was

entertained and notices to the respondents were ordered.

2. The appellant/Insurance Company and the respondents 1 to 4/claimants had mutually agreed and decided to arrive at a compromise and accordingly, a Joint Memo of Compromise dated 04.01.2017 came into being with the appellant/Insurance Company and the respondents 1 to 4/claimants and signed by the parties as well as the respective counsel appearing for them. This Court has also made enquiries with the appellant as well as the respondents 1 to 4 and they would submit that they have understood the terms of the compromise and they voluntarily subscribed their signatures.

3. In the light of the same, the Joint Memo of Compromise dated 04.01.2017 is taken on file and recorded.

4. In the result, the Judgment and Degree dated 19.11.2011 made in M.C.O.P.No.700 of 2008 on the file of the Motor Accident Claims Tribunal (V Court of Small Causes), Madras is modified in terms of the Joint Memo of Compromise dated 04.01.2017 and this Civil Miscellaneous Appeal is partly allowed. The Joint Memo of Compromise shall form part of decree. It is represented that the entire compensation awarded by the Tribunal has already been deposited before the lower Court to the credit of M.C.O.P.No.700 of 2008 and a sum of Rs.2,00,000/- has been withdrawn and now the minor claimants had attained majority. Therefore, it is open to the respondents 1 to 4/claimants to file appropriate application before the Tribunal for the purpose of withdrawing the compensation amount in terms of the Joint Memo of Compromise. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

jvm

To

Motor Accident Claims Tribunal
(V Court of Small Causes),
Madras.

Copy to :- To Section Officer,
V.R.Section, High Court,
Madras.

+1 cc to Mr.S.Manohar, Advocate, sr 8082

+1 cc to Mr.Ramalingam, Advocate, sr 8259

C.M.A.No.2731 of 2012

ssi(co)

aa17/03/2017