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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.07.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD)No.1356 of 2016

and C.M.P(MD)No.11339 of 2016

I.John Britto

... Appellant/1st Respondent

Vs.

1.Shesammal

... 1st Respondent / Claimant

2.The Branch Manager,
United India Insurance Co.Ltd.,
No.4/169, Dindigul Road,
Opp. to Chidambaram Petrol Bunk,
Batlagundu,
Dindigul District.

... 2nd Respondent/2nd Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Fair and Decretal order dated 02.07.2014 passed in M.C.O.P.No.219 of 2012 on the file of the Motor Accident Claims Tribunal, Additional Sub Judge, Dindigul.

For Appellant	: Mr.P.Saravana Kumar
For Respondent No.2	: Mr.V.J.Kumara Vel
For Respondent No.1	: Mr.R.Vasantha Kumar

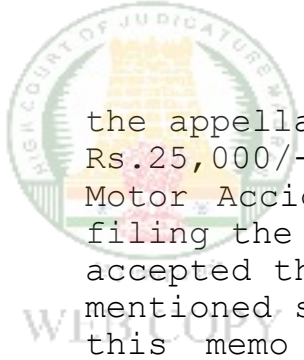
J U D G M E N T

When the appeal is taken up for hearing today, it is submitted that during the pendency of this appeal, the matter has been compromised between the parties and they have filed a joint compromise memo.

2. The terms mentioned in the compromise memo is extracted hereunder:

"Both the appellant and the first respondent entered into a compromise and the appellant has agreed to pay Rs.1,60,000/- in full settlement of the award passed in M.C.O.P.No.219/2012 and the first respondent has also agreed for the same.

Accordingly, the appellant has issued two crossed cheques drawn in favour of the 1st respondent i.e.(1) Cheque No.230258 dated 28.06.2017 for Rs.75,000/- and (2) Cheque No. 230259 dated 16.08.2017 for Rs.60,000/- (both the cheques drawn at State Bank of India, No.7, West Veli Street, Madurai-1) to the 1st respondent and



the appellant hereby agrees and permit the 1st respondent to withdraw Rs.25,000/- deposited by the appellant on 27.11.2014 before the Motor Accident Claims Tribunal/Additional Sub Court, Dindigul (for filing the present appeal) and the 1st respondent has also agreed and accepted the same. The first respondent has received the two cheques mentioned supra on this day in the presence of the witness signed in this memo and further the first respondent agrees to withdraw E.P.No.26 of 2017 in M.C.O.PNo.219 of 2012 pending on the file of the Motor Accidents Claims Tribunal/ Additional Sub Court, Dindigul on realization of the above mentioned cheques issued by the appellant"

3. Recording the terms mentioned in the compromise memo, this Civil Miscellaneous Appeal is closed. The Joint Compromise Memo shall form part of this judgment. No costs. Consequently, connected C.M.P. (MD) No. 11339 of 2016 is also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To,

The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Dindigul.

+1cc to Mr.R.MAHESH KUMARAVEL Advocate in SR. NO.66229
+1cc to M/s.P.KALAIYARASI BHARATHI Advocate in SR. No.65763
+1cc to Mr.V.J.KUMARAVEL Advocate in SR. No.65723

CM

JS/SKN.RSK/SAR.2/16.08.2017/2P-5C

C.M.A(MD)No.1356 of 2016
17.07.2017