

C.M.P.No.1096 of 2018
in
C.M.A.No.3027 of 2012

R.SUBBIAH, J.
and
P.D.AUDIKESAVALU, J.

This Miscellaneous Petition has been filed seeking to amend the decree in C.M.A.No.3027/2012.

2.It is represented by the learned counsel on either side that the decree drafted by the Office is not in consonance with the conclusion portion of the judgment dated 04.08.2017. Therefore, the parties have agreed to modify the decree in the following manner and to that effect, they have also filed a joint memorandum dated 22.03.2018 signed by both the parties and the respective counsel. The relevant portion in the Join Memorandum reads as follows_

4.Both the parties agree that the decree may be modified, in line with the judgment, dated 04.08.2017, as follows:-

i)that the order and decree of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai made in MCOP.No.690 of 2005, dated 12.03.2012, be and hereby is modified by substituting Rs.1,08,40,000/- for Rs.1,91,07,435/- in clause 1 of the decree dated 12.03.2012 passed by the Tribunal.

ii)that the apportionment of the sum awarded among the petitioners

1 to 4 set out in clause 2 of the Tribunal will also stand modified accordingly in the same proportion.

iii) In all other respects the decree passed by the Tribunal stand confirmed.

5) Both the parties agree that in terms of the judgment dated 04.08.2017 in the above C.M.A., the appellant/Insurance Company shall deposit forthwith a total sum of Rs.1,52,53,000/- (balance award amount of Rs.68,40,000/- + interest and cost), after deducting of TDS Rs.9,10,883/-, apart from Rs.40,00,000/- already deposited by the appellant to the credit of M.C.O.P.No.690 of 2005, as full and final settlement in respect of the claim in M.C.O.P.No.690 of 2005.

6) It is hereby agreed by both the parties that the respondents will be entitled to withdraw such sums to be deposited and already deposited together with accrued bank interest immediately by filing appropriate petition before the Tribunal to which the appellant shall have no objection."

3. In view of the above, this Miscellaneous Petition is disposed of in terms of the joint memo dated 22.03.2018 filed by the parties. Registry is directed to modify the decree by incorporating the joint memo filed by the parties and issue fresh copy of the decree. The Joint Memo shall form part of the decree.

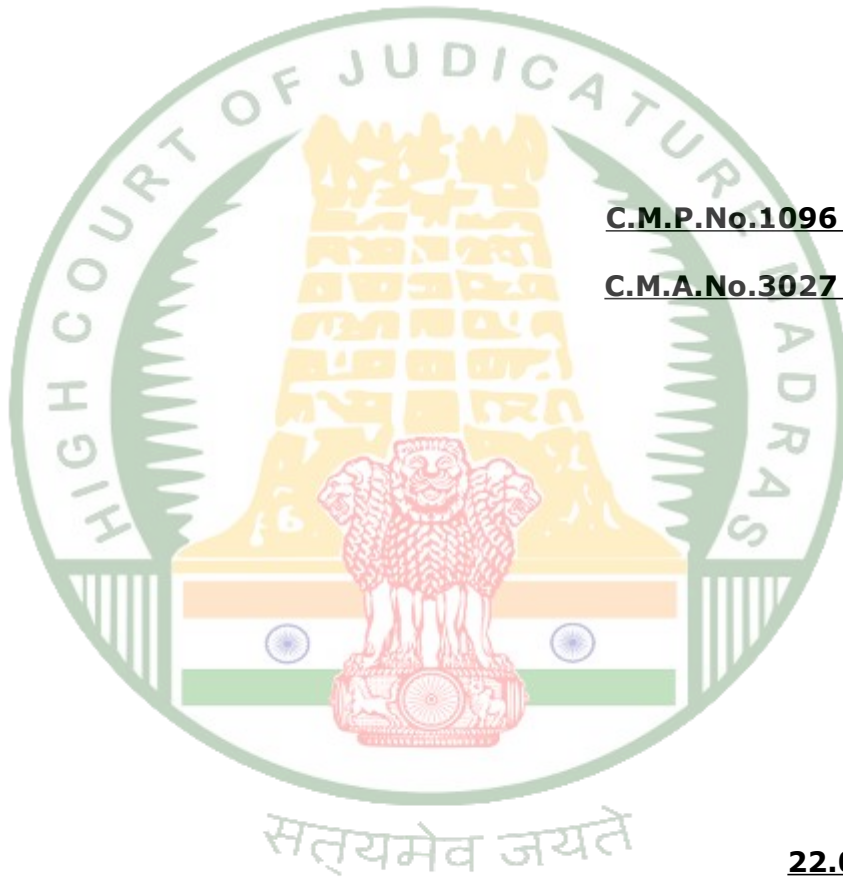
(R.P.S.J.,) (P.D.A.J.,)
22.03.2018

SSV

NOTE:- Issue on or before 09.04.2018

R.SUBBIAH, J.
and
P.D.AUDIKESAVALU, J.

SSV



C.M.P.No.1096 of 2018
in
C.M.A.No.3027 of 2012

22.03.2018

WEB COPY