

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A.No.1985 of 2018

The Managing Director,
Tamil Nade State Transport Corporation,
Kubakonam Town and Munsif and Taluk,
Tanjore District.
(The Minor petitioner Represented by guardian
Next friend mother 1st petitioner Mariyapusam)

Appellant

..

Vs

1. Mariyapushpam
2. Joes Jenifer
3. Minor Alex
4. Arokiyameri

.. Respondents

PRAYER: This Civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Decree and Judgment dated 01.09.2016 made in MCOP No.295 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruvarur.

For Appellant : Mr.D.Venkatachalam
For Respondents : Mr.R.Arundattan (for R1, R2 and R4)

JUDGMENT

The Civil Miscellaneous appeal has been filed to set aside the Decree and Judgment dated 01.09.2016 made in MCOP No.295 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruvarur.

2. Today, when the matter is taken up for admission, the learned counsel appearing on behalf of either side reported that a settlement had arisen between the parties while the National Mega Lok Adalat was held on 08.09.2018. It is reported by the learned counsel for the appellant that both the parties were agreed to settle the matter for a sum of Rs.20,60,000/-. Thereafter the respondents / claimants disappeared before the National Lok Adalat. Therefore, the matter has been remitted back to this Court for arriving at a settlement between the parties at the time of SR stage. Thereafter after condoning

the delay, the appeal is numbered and posted today under the caption for admission.

3. Today, the appellant / Managing Director of Tamil Nadu State Transport Corporation, Tanjore District filed an affidavit stating that after reserving the case for judgment by this Court, the respondents have approached the appellant corporation through their advocate for settling the case at National Lok Adalat held on 08.09.2018 based on the earlier agreement for settlement. Since this Court reserved the case for judgment, the appellant refused for settlement. Thereafter, the respondents have mentioned before this Court and brought the appeal for hearing under the caption for clarification.

4. It is further submitted that as per the settlement arrived earlier, the appellant is ready to settle the case with the respondents for a sum of Rs.20,60,000/- as full quit, if the respondents are ready for the settlement. The appellant Transport Corporation already deposited Rs.25,000/- alone for appeal Pre-Requisite amount. To that effect the appellant has filed an affidavit.

5. In view of the above, the learned counsel for the respondents/claimants also agreed to accept a sum of Rs.20,60,000/- (Rupees twenty lakhs sixty thousand only) as full quit for settlement. Accordingly, the matter was settled between the parties for a sum of Rs.20,60,000/- as full quit.

6. Therefore, the appellant/Tamil Nadu State Transport Corporation, Kubakonam Town and Munsif and Taluk, Tanjore District is directed to deposit the entire award amount of Rs.20,60,000/- without interest by deducting the amount already deposited by the appellant, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants are permitted to withdraw the said amount on filing appropriate application before the Tribunal.

7. With the above direction, this Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS IV)

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Sub Assistant Registrar

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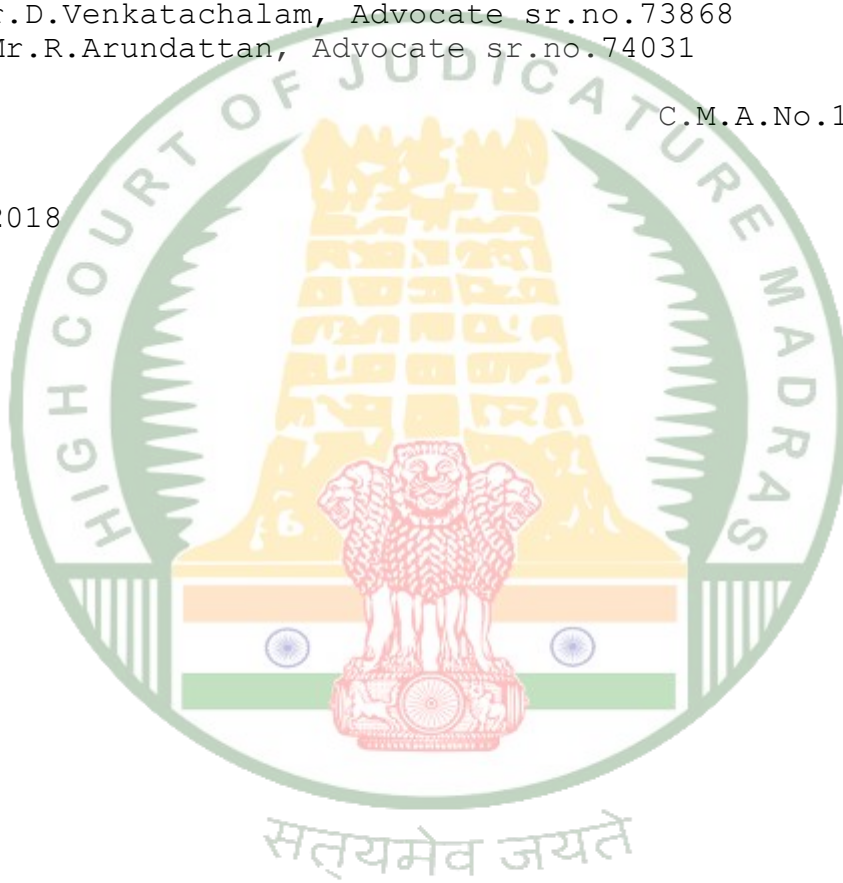
1. The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate,
Tiruvavarur
2. The Managing Director,
Tamil Nade State Transport Corporation,
Kubakonam Town and Munsif and Taluk,
Tanjore District.

+lcc to Mr.D.Venkatachalam, Advocate sr.no.73868

+lcc to Mr.R.Arundattan, Advocate sr.no.74031

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