

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.08.2020
CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1010 of 2012

M/s.J.Kay Auto Mobiles
100 Ft. Road,
Opposite to RTO Office,
Pondicherry.

... Appellant/3rd Respondent

...Vs...

1. Lakshmi (deceased)
2. Anusuya
3. Karthiga
- 4.Minor Nagajothy
5. Minor Yogeswaran
(Minor respondents 4 & 5
rep. By their mother
2nd respondent Anusuya)
6. Ajimohan
- 7.N.Kalaivanan
(R3 to R5 recorded as LR of the deceased
1st Respondent vide order of Court
dated 14.02.14 made in CMA.NO.1010 of 2012
Memo filed on 07.02.2014 (USSR.NO.1244 OF 2014))

... Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decretal order dated 04.11.2011 made in MCOP. No.123 of 2010 on the file of the Motor Accident Claims Tribunal, (District Court) Karaikkal.

For Appellant : Mr.S.Soundar

For Respondents: R1 - Died - Steps taken

Mr.T.Annamalai - R2 to R5

No such person - R6

R7 - Ex-parte

JUDGMENT

(This Appeal was taken up for hearing through Video Conferencing)

This appeal has been filed by the appellant challenging the impugned award dated 04.11.2011 passed by the Motor Accident Claims Tribunal, (District Court) Karaikkal in MCOP.No.123 of 2010.

2. The claimants, who are the respondents 2 to 5 have received the entire compensation amount from the respondents 6 & 7 in this appeal. The 6th respondent is the driver of the vehicle which caused accident and the 7th respondent is the owner.

3. It is the contention of the appellant that they are only dealers of the vehicle and no way liable to compensate the claimants.

4. Today, the learned counsel for the respondents 1 to 5, who are the claimants has sent an E-mail, intimating this Court that the entire compensation award amount has been received by the claimants and the dispute has also been amicably resolved between the parties.

5. The said E-mail sent by Mr.T.Annamalai, Enrollment No.MS.1730/2010 representing Mr.R.Syed Mustafa, Enrollment No.865/1997, who is the counsel on record, for the respondents 1 to 5, who are the claimants in MCOP. No.123 of 2010 before the Motor Accident Claims Tribunal (Principal District Judge), Karaikkal, is taken on record. Since settlement has been arrived at between respondents 1 to 5 and respondents 6 and 7, nothing survives for adjudication in this matter.

6. In view of the said amicable settlement between the parties, the impugned award has to necessarily go and accordingly, the impugned award dated 04.11.2011 passed in MCOP. No.123 of 2010 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Karaikkal, is hereby set aside and this appeal is allowed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Motor Accident Claims Tribunal,
Principal District Judge, Karaikkal.
2. The Section Officer
V.R.Section, High Court of Madras.

C.M.A.No.1010 of 2012

A.SK(04.02.2021) .