

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 12/05/2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.298 to 311 of 2020

M/s Royal Sundaram General Insurance Co. Ltd.,
Subramanian Building, 2nd Floor,
No.1, Club House Road, Anna Salai
Chennai - 600 002.

.....Petitioner/2nd Respondent in all Tr. CMPs

.Vs.

1. Ms. Annalakshmi (MCOP No. 6699/2017)
S.Vasudevan
S.Anitha
S.Subash
.... Respondents in
Tr.CMP No.298/2020
2. Mr. Punniamoorthi @ Santhosh
(MCOP No. 900/2018) Respondent in /Petitioners
Tr.CMP No.299/2020
3. Ms. Ponni (MCOP No. 657/2019)
.... Respondent/Petitioners in
Tr.CMP No.300/2020
4. Mr. Thilagarajan @ Thilagaraj
(MCOP No. 498/2019) Respondent/Petitioners in
Tr.CMP No.301/2020
5. Pappa (MCOP NO.1459/19)
Loganathan
Selvam
Dhanabakiyam
Vijayakumar
.... Respondent /Petitioners in
Tr.CMP No.302/2020
6. Arunmozhi (MCOP NO.341/17) Respondent/Petitioners in
Tr.CMP No.303/2020
7. Mr.Markandayan
(EC.No.165/19) Respondents//Petitioners in
Tr.CMP No.304/2020
8. Mr. Velu (EC No.166/19)
.... Respondent /Petitioners in
Tr.CMP No.305/2020

9. Mr. Subramani (MCOP NO.506/2019) Respondent/Petitioners in
Tr.CMP No.306/2020
10. Mr. Azhagarsamy (MCOP No.193/2018) Respondent/Petitioners
in Tr.CMP No.307/2020
11. Mr. Karunanidhi (MCOP No. 307/2018)
.... Respondent/Petitioners in
Tr.CMP No.308/2020
12. Mr. Balamurugan (MCOP No. 417/2018)
.... Respondent/Petitioners in
Tr.CMP No.309/2020
- 13 Mr. Ajith Kumar (MCOP No. 418/2018)
.... Respondent /Petitioners in
Tr.CMP No.310/2020
14. Mr. Velmurugan (MCOP No. 419/2018)
.... Respondent/Petitioners in
Tr.CMP No.311/2020
..... Respondents in Tr.CMPs/Petitioners in MCOPs
- 1) Prayer in Tr.CMP No.298/2020:- Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., r/w Article 227 of
The Constitution of India, to withdraw the petition in MCOP No.
6699/2017, on the file of the learned Motor Accident Claims
Tribunal, II - Court of Small Causes, Chennai, to the file of
this Court to record compromise of the said claim for
Rs.64,00,000/- in full quit.
- 2) Prayer in Tr.CMP No.299/2020:- Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., r/w Article 227 of
The Constitution of India, to withdraw the petition in MCOP No.
900/2018, on the file of the learned Motor Accidents Claims
Tribunal, Mahila Court, Namakkal, to the file of this Court to
record compromise of the said claim for Rs.21,00,000/- in full
quit.
- 3) Prayer in Tr.CMP No.300 /2020:- Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., r/w Article 227 of
The Constitution of India, to withdraw the petition in MCOP
No.657/2019, on the file of the learned Motor Accidents Claims
Tribunal, Principal District Judge, Namakkal, to the file of
this Court to record compromise of the said claim for
Rs.2,25,000/- in full quit.
- 4) Prayer in Tr.CMP No.301/2020:- Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., r/w Article 227 of
The Constitution of India, to withdraw the petition in MCOP No.
498/2019, on the file of the learned Motor Accidents Claims
Tribunal, Additional Subordinate Judge, Namakkal, to the file of
this Court to record compromise of the said claim for
Rs.4,50,000/- in full quit.

- 5) Prayer in Tr.CMP No.302/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the MCOP No.1459/19, on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem, to the file of this Court to record compromise of the said claim for Rs.4,60,000/- in full quit.
- 6) Prayer in Tr.CMP No.303/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the MCOP No.341/17, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Salem, to the file of this Court to record compromise of the said claim for Rs.1,75,000/- in full quit.
- 7) Prayer in Tr.CMP No.304/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the E.C.No.165/19, on the file of Joint Commissioner of Labour, Salem, to the file of this Court to record compromise of the said claim for Rs.7,41,646/- in full quit.
- 8) Prayer in Tr.CMP No.305/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the E.C.No.166/19, on the file of Joint Commissioner of Labour, Salem, to the file of this Court to record compromise of the said claim for Rs.8,23,225/- in full quit.
- 9) Prayer in Tr.CMP No.306/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the petition in MCOP No.506/2019, on the file of the learned Motor Accidents Claims Tribunal, Special Subordinate Judge-II, Villupuram, to the file of this Court to record compromise of the said claim for Rs.1,50,000/- in full quit.
- 10) Prayer in Tr.CMP No.307/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the petition in MCOP No.193/2018, on the file of the learned Motor Accidents Claims Tribunal, Special Subordinate Judge-II, Villupuram, to the file of this Court to record compromise of the said claim for Rs.1,25,000/- in full quit.
- 11) Prayer in Tr.CMP No.308/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the petition in MCOP No.307/2018, on the file of the learned Motor Accidents Claims Tribunal, Special Subordinate Judge-I, Villupuram, to the file of this Court to record compromise of the said claim for Rs.1,00,000/- in full quit.

12) Prayer in Tr.CMP No.309/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw petition in MCOP No.417/2018 , on the file of the learned Motor Accident Claims Tribunal / Special Subordinate Judge-I, Villupuram, to the file of this Court to record compromise of the said claim for Rs.28,000/- in full quit.

13) Prayer in Tr.CMP No.310/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw the petition in MCOP No.418/2018 , on the file of the learned Motor Accidents Claims Tribunal / Special Subordinate Judge-I, Villupuram, to the file of this Court to record compromise of the said claim for Rs.28,000/- in full quit.

14) Prayer in Tr.CMP No.311/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India, to withdraw and transfer the petition in MCOP No. 419/2018, on the file of the learned Motor Accidents Claims Tribunal / Special Subordinate Judge-I, Villupuram, to the file of this Court to record compromise of the said claim for Rs.28,000/- in full quit.

For Petitioners : N.Vijayaraghavan
(in All Tr.CMPs)

For Respondent : Ms. Ramya Rao for R1
(in Tr.CMP No.298/2020)

COMMON ORDER

The Petitioner Insurer has filed 14 Memos dated 09/05/2020 in relation to 12 MCOPs and 2 Employees Compensation Cases, pending on the file of various Claims Tribunals & Joint Commissioner of Labour, in Tamil Nadu, as per the tabulation drawn below. The said tabulation also indicates the amounts for which each of the claimants in the 12 MCOPs & 2 EC Cases have agreed for Compromise.

S. No.	Case No.	Tribunal	Petitioner Name	Petitioner Counsel	Petitioner Advocate Mobile No.	Amount settled (Rs.)
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1	OP 6699/2017	II SCC, Chennai	Annalakshmi & 3 others	Ramya V. Rao	9940099679	64,00,000 /-
2	OP 900/2018	Mahila Court, Namakkal	Punniamoorth i @ Santhosh	R. Sundareshan	9003682143	21,00,000 /-
3	OP 657/2019	PDJ, Namakkal	Ponni	N.K.P. Vadivel	9843099433	2,25,000/ -
4	OP 498/2019	ASJ, Namakkal	Thilagarajan @ Thilagaraj	D. Mohanraj	9842731017	4,50,000/ -
5	EC 165/2019	JCL, Salem	Markandayan	S. Rajendar	9842784018	7,41,646/ -
6	EC 166/2019	JCL, Salem	Velu	S. Rajendar	9842784018	8,23,225/ -
7	OP 1459/2019	SDJ (MCOP) Salem	Pappa & 4 others	G. Gopalakrishna n	9443289150	4,60,000/ -
8	OP 341/2017	CJM, Salem	Arunmozhi	M. Govindarajan	9443470899	1,75,000/ -
9	OP 506/2019	SSJ II, Villupur am	Subramani	L. Krishnamoorth Y	9842578479	1,50,000/ -
10	OP 193/2018	SSJ II, Villupur am	Azhagarsamy	K. Chandrabalan	8667008244	1,25,000/ -
11	OP 307/2018	SSJ I, Villupur am	Karunanidhi	A.K. Nagarajan	9843436865	1,00,000/ -
12	OP 417/2018	SSJ I, Villupur am	Balamurugan	A.K. Nagarajan	9843436865	28,000/-
13	OP 418/2018	SSJ I, Villupur am	Ajith Kumar	A.K. Nagarajan	9843436865	28,000/-
14	OP 419/2018	SSJ I, Villupur am	Velmurugan	A.K. Nagarajan	9843436865	28,000/-

2.The Petitioner has relied upon the Orders of this Court dated 05/05/2020 made in Tr. CMP No 231/2020 (Batch). As per the said Judgment, by a detailed Order with reasons, this Court had accepted a similar Memo filed by a certain insurance company, namely, M/s Cholamandalam MS General Insurance Co Ltd., and permitted withdrawal of 23 such Motor Accident Claim Petitions (MCOPs) and recorded compromise of those claims, as agreed to by the Parties.

3.This court approved consent of the Insurer vide Memo and the consent of the claimants vide WhatsApp Messages through the counsel for the claimants, in all the 23 MCOPs. This Court, upon such satisfaction, granted the relief and recorded compromise of the 23 MCOPs claims, at the instance of the Insurance Company in the petition mentioned supra.

4. Similarly, in respect of these 14 Memos dated 09/05/2020, the Petitioner Insurance Company, M/s Royal Sundaram General Insurance Co. Ltd, has confirmed its consent for compromising all the 12 MCOPs and 2 EC Cases as per the amounts indicated in the tabulation above.

5. In respect of the consent of the claimants, the Insurer has produced 14 consents by E-Mail dated 08/05/2020 & 09/05/2020 from the counsel for the said claimants, agreeing for the respective amounts mentioned in the table above.

6. In the 14 Memos dated 9/05/2020, the insurer has confirmed that the consent between the parties is true and genuine. The counsel for the claimants have confirmed to the insurer that the 14 E-Mails have been sent with the consent of the respective claimants.

7. The said claimants, for lack of immediate internet access, have not sent their individual consents to their counsel. However, the insurer and the counsel for the claimants have submitted, that the claimants are agreeable for the compromise and the consent letters by E-Mail sent by their counsels be accepted as consent for the same. The names of the counsels for the claimants are furnished with their respective Mobile Numbers.

8. I am satisfied that there is consensus ad idem for this compromise between the parties, and for recording the same in the 14 MCOPs. This Court does not feel the need to reiterate the detailed reasons given by it, in the orders dated 05/05/2020 in Tr. CMP 231/2020 (Batch). The said reasons are fully applicable for granting the reliefs to the parties in these cases also.

9. In the result, the 14 Memos dated 09/05/2020 filed by the Petitioner insurance company are ordered as prayed for. Accordingly, the said 12 MCOPs and 2 EC Cases are withdrawn from the respective Claims Tribunals and JCL, Salem, to this Court and compromise is recorded for the respective sums, as agreed to vide the table above.

10. Hence, the following directions are issued.

(i) MCOP No. 6699/2017 on the file of The Motor Accident Claims Tribunal cum IInd Court of Small Causes, Chennai, shall stand withdrawn to this Court and stand compromised for Rs.64,00,000/- in full quit. The award shall be shared between the widow and 2 sons & 1 daughter in the following manner for Rs.49,00,000/- to widow/1st petitioner in

MCOP.No.6699/2017 and Rs.5,00,000 each to the 2 sons & 1 daughter being petitioners 2 to 4 in MCOP No. 6699/2017.

(ii) MCOP No. 900/2018 on the file of The Motor Accident Claims Tribunal Additional, Mahila Court, Namakkal, shall stand withdrawn to this Court and stand compromised for Rs.21,00,000/- in full quit.

(iii) MCOP No. 657/2019 on the file of The Motor Accident Claims Tribunal cum Principal District Judge, Namakkal, shall stand withdrawn to this Court and stand compromised for Rs.2,25,000/- in full quit.

(iv) MCOP No. 498/2019 on the file of The Motor Accident Claims Tribunal cum Additional Subordinate Judge, Namakkal, shall stand withdrawn to this Court and stand compromised for Rs.4,50,000/- in full quit.

(v) EC No. 165/2019 on the file of The Joint Commissioner of Labour, Salem, shall stand withdrawn to this Court and stand compromised for Rs. 7,41,646/- in full quit.

(vi) EC No.166/2019 on the file of The Joint Commissioner of Labour, Salem, shall stand withdrawn to this Court and stand compromised for Rs. 8,23,225/- in full quit.

(vii) MCOP No. 1459/2019 on the file of The Motor Accident Claims Tribunal cum Special District Judge, (MCOP) Salem, shall stand withdrawn to this Court and stand compromised for Rs.4,60,000/- in full quit. The award shall be shared between the widow and 3 sons & 1 daughter. However, the 3 sons & 1 daughter being petitioners 2 to 5, have, by their consent, given their shares to the 1st petitioner itself. Therefore, the Widow/ 1st petitioner shall be entitled withdraw the entire award amount for Rs. 4,60,000/-.

viii) MCOP No. 341/2017 on the file of The Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Salem, shall stand withdrawn to this Court and stand compromised for Rs.1,75,000/- in full quit.

ix) MCOP No. 506/2019 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-II, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs.1,50,000/- in full quit.

(x) MCOP No. 193/2018 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-II, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs.1,25,000/- in full quit.

(xi) MCOP No. 307/2018 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-I, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs.1,00,000/- in full quit.

(xii) MCOP No. 417/2018 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-I, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs.28,000/- in full quit.

(xiii) MCOP No. 418/2018 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-I, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs.28,000/- in full quit.

(xiv) MCOP No. 419/2018 on the file of The Motor Accident Claims Tribunal cum Special Subordinate Judge-I, Villupuram, shall stand withdrawn to this Court and stand compromised for Rs. 28,000/- in full quit.

(xv) It is therefore, directed that the Petitioner Insurance Company shall satisfy the respective compromised amounts in the 12 MCOPs and 2 EC Cases and deposit the respective award amounts to the credit of the respective MCOPs & EC Cases on the file of the respective Claims Tribunals and JCL, Salem.

(xvi) The Petitioner Insurer shall deposit the respective compromised award amounts within 2 weeks from the date of receipt of this Order by E-Mail.

(xvii) Upon such deposit, the claimants would be entitled to withdraw the same on proper identification by the counsel for the claimants, in a manner known to law.

(xviii) It is hereby directed that the Registry shall send a Copy of this Order to the Counsel for the Petitioner by E-Mail who shall in turn send a copy of the same to the respective Counsel for the Claimants, to confirm the Compromise Awards.

(xix) The Registry is further directed to send copies of

this Order by E-Mail to the respective Motor Accident Claims Tribunals and Joint Commissioner of Labour, Salem for the present, for compliance. The Claims Tribunals and Joint Commissioner of Labour, Salem, shall treat the E-Mail received from this Court as Certified Copy. As and when, normalcy returns after the viral impact, the Registry shall send hard copies of this Order, duly certified to the respective Claims Tribunals & Joint Commissioner of Labour, Salem, for the record.

(xx) In fine, the 14 Memos dated 09/05/2020 filed by the Petitioner Insurer are ordered as prayed for and all parties hereto shall comply with the same. No orders as to costs in these proceedings.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

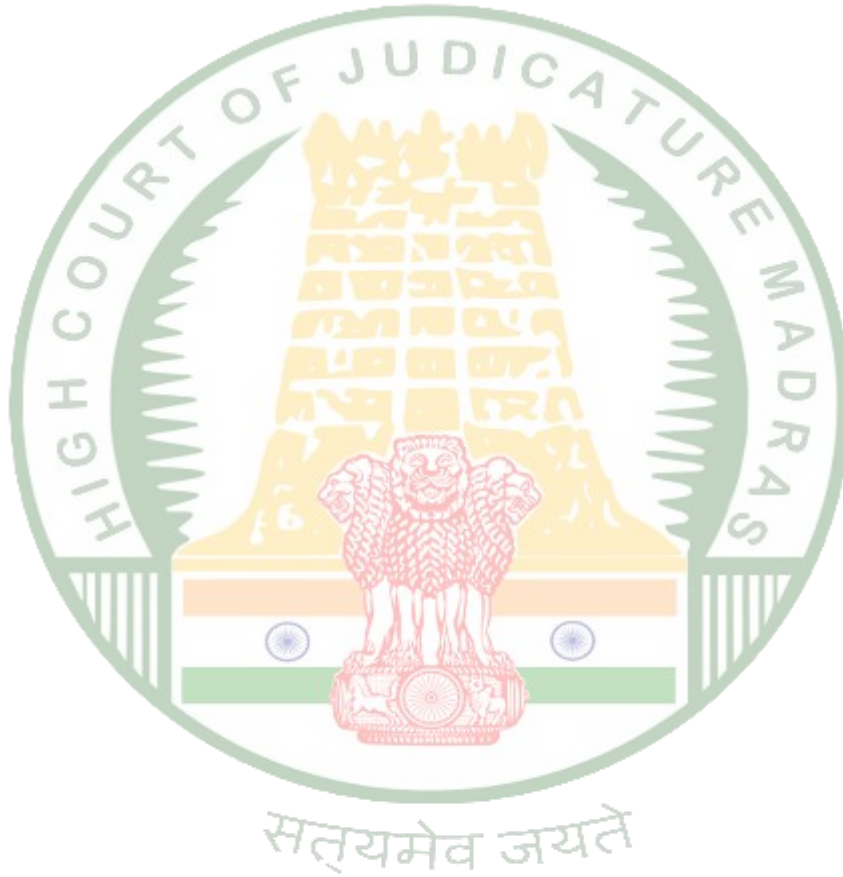
To

- 1.Motor Accident Claims Tribunal cum IInd Court of Small Causes, Chennai.
- 2.Motor Accident Claims Tribunal Additional, Mahila Court, Namakkal.
- 3.Motor Accident Claims Tribunal cum Principal District Judge, Namakkal.
- 4.Motor Accident Claims Tribunal cum Additional Subordinate Judge, Namakkal.
- 5.Joint Commissioner of Labour, Salem.
- 6.Special District Judge, (MCOP) Salem.
- 7.Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Salem.
- 8.Motor Accident Claims Tribunal cum Special Subordinate Judge-II, Villupuram.

9.Motor Accident Claims Tribunal
cum Special Subordinate Judge-I,
Villupuram.

Tr. CMP. Nos.298 to 311 of 2020

NRL (CO)
GN (03/02/2021)



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