

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 13/05/2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.385 to 388 of 2020

Tata AIG General Insurance Co Ltd.,
403 L Pantheon Road, Egmore,
Chennai-600 008.

..Petitioner in all Tr. CMPs

.Vs.

1.Keerthika (minor) Represented
by her mother N.G & N.F Revathi.
(MCOP No. 5268/2019).

..Respondent in
Tr.CMP No.385/2020

2.Venkatraman (MCOP No. 182/2019)

..Respondent in
Tr.CMP No.386/2020

3. (i) Palaniammal
(ii) Krishnan (MCOP No. 2231/2019)

..Respondents in
Tr.CMP No.387/2020

4.Anushiya (minor) Represented
by her mother N.G & N.F Sumathi.
(MCOP No. 5266/2019)

..Respondent in
Tr.CMP No.388/2020

..Respondents in Tr.CMPs/Petitioners in MCOPs

1. Prayer in Tr.CMP No.385/2020:- 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. 5268/2019, from the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai, to the file of this Court to record compromise of the said claim for Rs.1,00,000/- in full quit and render justice.

2.Prayer in Tr.CMP No.386/2020:- 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. 182/2019, from the file of the Motor Accident Claims Tribunal, Subordinate Judge, Tiruvannamalai, to the file

of this Court to record compromise of the said claim for Rs.2,65,000/- in full quit and render justice.

3.Prayer in Tr.CMP No.387/2020:- 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. 2231/2019, from 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.10,00,000/- in full quit and render justice.

4.Prayer in Tr.CMP No.388/2020:- 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. 5266/2019, from the file of the Motor Accident Claims Tribunal, VCourt of Small Causes, Chennai, to the file of this Court to record compromise of the said claim for Rs.3,15,000/- in full quit and render justice.

For Petitioners: Mr. N. Vijayaraghavan
in Tr. CMP No.388/2020
against MCOP No. 5266/2019

: Mr. M.B. Raghavan
in Tr. CMP No.385/2020
against MCOP No. 5268/2019

: Ms C. Harini
in Tr. CMP No.386/2020
against MCOP No. 182/2019

: Ms. Ramya Raghavan
in Tr. CMP No.387/2020
against MCOP No. 2231/2019

COMMON ORDER

The Petitioner Insurer has filed 4 Memos dated 12/05/2020 in relation to 4 MCOPs, pending on the file of various Claims Tribunals in Tamil Nadu, as per the tabulation drawn below. The said Table also indicates the amounts for which each of the claimants in the 4 MCOPs have agreed for compromise.

S No.	MCOP No. & MACT	Petitioner's Name	Petitioner's Counsel & Ph No	Amount
1	5266/2019 V MACT Chennai	Anushiya (minor) Represented by her mother N,G & N.F Sumathi	C.D Kamaraj 9840118363	Rs. 3,15,000/-

	5268/2019	Keerthika (minor)		
2	V MACT Chennai	Represented by her mother N.G & N.F Revathi	C.D Kamaraj 9840118363	Rs. 1,00,000/-
	182/2019 Special			
3	Subordinate Judge, Tiruvannamalai	Venkatraman	D. Kumar 9944457918	Rs. 2,65,000/-
	2231/2019 Special	Palaniammal & Krishnan	K. Ragupathi 9842740554	Rs. 10,00,000/-
4	District Judge, Salem			-

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 an 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 the 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 petitioner Insurer Company in those petitions.

4.In respect of these 4 Memos dated 12/05/2020, the Petitioner Insurance Company, M/s. Tata AIG General Insurance Co Ltd., has confirmed its consent for compromising all the 4 MCOPs as per the amounts indicated in the Table above.

5.In respect of the consent of the claimants, the Insurer has produced 4 consent letters dated 06/05/2020, 07/05/2020 & 09/05/2020 by WhatsApp, from the said counsel, agreeing for the respective amounts indicated in the Table above.

6.In the 4 Memos dated 12/05/2020, the insurer company has confirmed that the consent between the parties is true and genuine. The counsel for the claimants have confirmed to the insurer that the 4 WhatsApp messages 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 sent by Whatsapp 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 4 MCOPs. This Court does not see the need to reiterate the detailed reasons given by it, in the orders dated 05/05/2020 in Tr. CMP No. 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 4 Memos dated 12/05/2020, filed by the Petitioner Insurance Company are ordered as prayed for. Accordingly, the said 4 MCOPs are withdrawn from the respective Claims Tribunals, 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. 5266 of 2019 on the file of The Motor Accident Claims Tribunal cum V Motor Accident Claims Tribunal, Chennai, shall stand withdrawn to this Court and stand compromised for Rs.3,15,000/- in full quit. As is the practice in Lok Adalat Settlements, the natural guardian of the minor petitioner is permitted to withdraw Rs.1,89,000/- towards treatment, maintenance and care for the minor claimant. The balance amount of Rs.1,26,000/- shall be invested in any Nationalized Bank until the minor claimant attains majority.

ii. MCOP No. 5268 of 2019 on the file of The Motor Accident Claims Tribunal cum V Motor Accident Claims Tribunal Chennai, shall stand withdrawn to this Court and stand compromised for Rs.1,00,000/- in full quit. As is the practice in Lok Adalat Settlements, the natural guardian of the minor petitioner is permitted to withdraw Rs.60,000/- towards treatment, maintenance and care for the minor claimant. The balance amount of Rs.40,000/- shall be invested in any Nationalized Bank until the minor claimant attains majority.

iii. MCOP No. 182 of 2019 on the file of The Motor Accident Claims Tribunal cum Subordinate Judge, Tiruvannamalai, shall stand withdrawn to this Court and stand compromised for Rs.2,65,000/- in full quit.

iv. MCOP No. 2231 of 2019 on the file of The Motor Accident Claims Tribunal cum Special District Judge, Salem, shall stand withdrawn to this Court and stand compromised for Rs.10,00,000/- in full quit. Accordingly, the claimants shall share the compromise award amount as follows. The 1st petitioner shall be entitled to Rs.7,00,000/-, 2nd petitioner shall be entitled to Rs.3,00,000/-.

v. It is therefore, directed that the Petitioner Insurance Company shall satisfy the respective compromised amounts in the 4 MCOPs and deposit the respective award amounts to the credit of the respective MCOPs, on the file of the respective Claims Tribunals.

vi. The Petitioner Insurer shall deposit the respective compromise award amounts within 2 weeks from the date of receipt of copy of this Order by E-Mail.

vii. Upon such deposit, the claimants would be entitled to withdraw the same as mentioned above, on proper identification by the counsel for the claimants, in a manner known to law.

viii. 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.

ix. The Registry is further directed to send copies of this Order by E-Mail to the respective Motor Accident Claims Tribunals, for the present, for compliance. The Claims Tribunals shall treat the E-Mail of the copy of this Order received from this Court as the Certified Copy of the same. As and when, normalcy returns after the viral pandemic, the Registry shall send hard copies of this Order, duly certified to the respective Claims Tribunals, for the record.

x. In fine, the 4 Memos dated 12/05/2020 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 (CS.VII)

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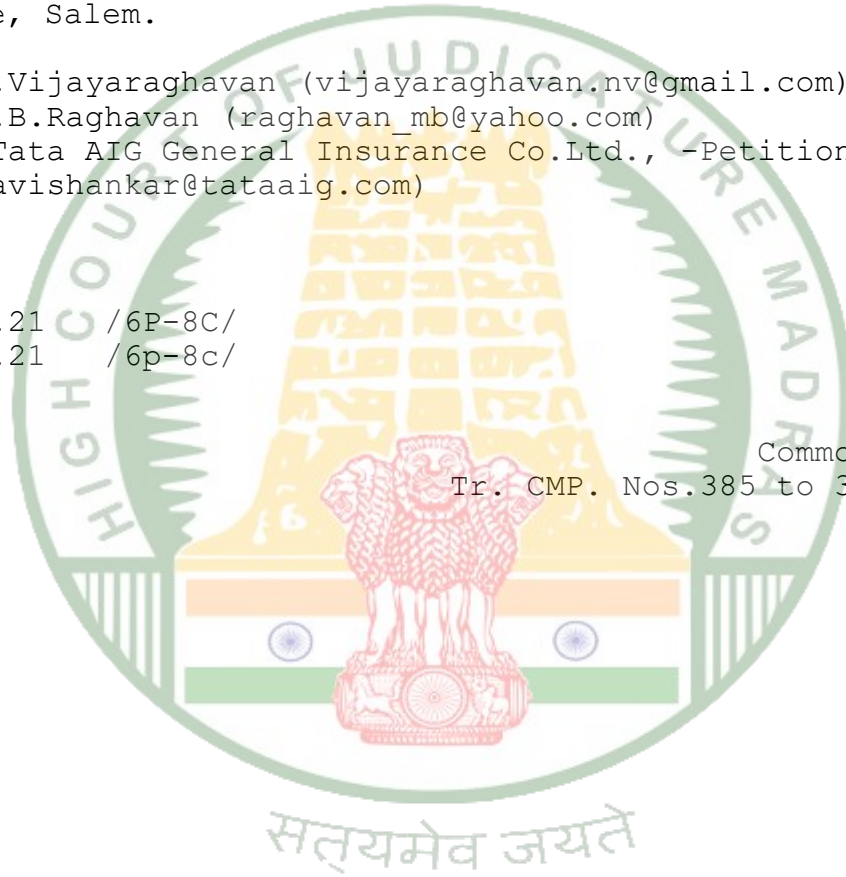
Sub Assistant Registrar

To

- 1.The Motor Accident Claims Tribunal cum V Small Causes Court,
Chennai.
- 2.The Motor Accident Claims Tribunal cum V Small Causes Court,
Chennai.
- 3.The Motor Accident Claims Tribunal cum Subordinate Judge,
Tiruvannamalai.
- 4.The Motor Accident Claims Tribunal cum Special District
Judge, Salem.
- 5.Mr.N.Vijayaraghavan (vijayaraghavan.nv@gmail.com)
- 6.Mr.M.B.Raghavan (raghavan_mb@yahoo.com)
- 7.M/s.Tata AIG General Insurance Co.Ltd., -Petitioner
(v.ravishankar@tataaig.com)

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Common Order in
Tr. CMP. Nos.385 to 388 of 2020
13.05.2020



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