

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14/05/2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.389 to 394 of 2020

M/s. Chola mandalam MS Genl Ins Co Ltd,
No:154, Shaw Wallace building,
Thambu Chetty Street,
Chennai - 600001. Petitioner in all Tr. CMPs

.Vs.

1. Mr. Avinashigounder (MCOP No.2189/2017)
...Respondent in
in Tr CMP No.389 of 2020
2. Mr. Palani @ Palanisamy (MCOP No.1193/2019)
..Respondent in
in Tr CMP No.390 of 2020
- 3 Mr. Arumugam (MCOP No.1074/2019)
..Respondent in
in Tr CMP No.391 of 2020
4. Mr. Sakthivel (MCOP No.187/2019)
..Respondent in
in Tr CMP No.392 of 2020
5. Mr. C. Vasudevan (MCOP No.58/2019)
..Respondent in
in Tr CMP No.393 of 2020
- 6.Mrs.Parimala (MCOPNo.16/2019)
..Respondent in
in Tr CMP No.394 of 2020

1) Prayer in Tr.CMP No.389/2020:- 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.2189/2017, on the file of the Exclusive Motor Accidents Claims Tribunal, Tiruppur, to the file of this Court to record compromise of the said claim for Rs.3,00,000/- [Rupees three lakhs only] in full quit.

2) Prayer in Tr.CMP No.390/2020:- 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.1193/2019, on the file of the Exclusive Motor Accidents Claims Tribunal, Tiruppur, to the file of this Court to record compromise of the said claim for Rs.2,80,000/- [Rupees two lakhs and eighty thousand only] in full quit.

3) Prayer in Tr.CMP No.391/2020:- 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.1074/2017, on the file of the Exclusive Motor Accidents Claims Tribunal, Tiruppur, to the file of this Court to record compromise of the said claim for Rs.1,00,000/- [Rupees one lakh only] in full quit.

4) Prayer in Tr.CMP No.392/2020:- 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.187/2019, on the file of the Exclusive Motor Accidents Claims Tribunal, Sub Judge, Vaniyambadi, to the file of this Court to record compromise of the said claim for Rs.8,85,000/- [Rupees eight lakhs eighty five thousand only] in full quit.

5) Prayer in Tr.CMP No.393/2020:- 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.58/2019, on the file of the Exclusive Motor Accidents Claims Tribunal, Special Sub Court, Tiruppattur, to this Court to record compromise of the said claim for Rs.25,000/- [Rupees twenty five thousand only] in full quit.

6) Prayer in Tr.CMP No.394/2020:- 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.16/2019, on the file of the Exclusive Motor Accidents Claims Tribunal, Special Sub Court, Attur, to this Court to record compromise of the said claim for Rs.3,66,000/- [Rupees three lakhs sixty six thousand only] in full quit.

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

COMMON ORDER

The Petitioner Insurer has filed 6 Memos dated 13/05/2020 in relation to 6 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 6 MCOPs have agreed for compromise.

S.N o	MCOP No	Court	Petitioner 's Name	Petitioner 's Counsel	Petitioner er Counsel's Mobile No.	Amount in Rs.
1	2189/2 017	The Exclusiv e Motor Accident s Claims Tribunal , Tiruppur	Mr.Avinash i- gounder	Mr. N. Vijayaragh avan	98430415 18	3,00,0 00/-
2	1193/2 019	The Exclusiv e Motor Accident s Claims Tribunal , Tiruppur	Mr. Palani @ Palanisamy	Mr. N. Vijayaragh avan	98430415 18	2,80,0 00/-

3	1074/2019	The Exclusive Motor Accident Claims Tribunal, Tiruppur	Mr. N. Vijayaraghavan	9843041518	1,00,000/-
4	187/2019	Sub Judge, Vaniyambadi	Mr. Sakthivel	Mr. N. Vijayaraghavan	9750604010 8,85,000/-
5	58/2020	Sub Court, Attur, Tirupattur	Mr. Vasudevan	Mr. N. Vijayaraghavan	9442812511 25,000/-
6	16/2019	Special Sub Court, Attur	Ms. Parimala	Mr. N. Vijayaraghavan	9486113797 3,66,000/-

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 this Insurance Company 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 6 MCOPs. This Court, upon such satisfaction, granted the relief and recorded compromise of the 6 MCOPs claims, at the instance of M/s Cholamandalam MS General Insurance Co Ltd.

4.In respect of these 6 Memos dated 13/05/2020, the Petitioner Insurance Company, M/s Cholamandalam MS Insurance Co Ltd., has confirmed its consent for compromising all the 6 MCOPs as per the amounts indicated in the Table above.

5.In respect of the consent of the claimants, the Insurer has produced 6 consents by way of WhatsApp messages, from the counsel for the said claimants, agreeing for the respective amounts in the Table above.

6. In the 6 Memos dated 13/05/2020, 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 6 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 sent by their counsels through Whatsapp 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 6 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 6 Memos dated 13/05/2020 filed by the Petitioner Insurance Company are ordered as prayed for. Accordingly, the said 6 MCOPs are withdrawn from the respective Claims Tribunals and The Deputy/Joint Commissioner of Labour Cases 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.2189/2017 on the file of The Motor Accident Claims Tribunal, The Exclusive Motor Accidents Claims Tribunal, Tiruppur, shall stand withdrawn to this Court and stand compromised for Rs.3,00,000/- in full quit.

ii. MCOP No.1193/2019 on the file of The Motor Accident Claims Tribunal, The Exclusive Motor Accidents Claims Tribunal, Tiruppur, shall stand withdrawn to this Court and stand compromised for Rs.2,80,000/- in full quit.

iii. MCOP No.1074/2019 on the file of The Motor Accident Claims Tribunal, The Exclusive Motor Accidents Claims Tribunal, Tiruppur, shall stand withdrawn to this Court and stand compromised for Rs.1,00,000/- in full quit.

iv. MCOP No.187/2019 on the file of The Motor Accident Claims Tribunal, Sub Judge, Vaniyambadi shall stand withdrawn to this Court and stand compromised for Rs.8,85,000/- in full quit.

v. MCOP No.58/2020 on the file of The Motor Accident Claims Tribunal, Special Sub Judge, Tirupattur, shall stand withdrawn to this Court and stand compromised for Rs.25,000/- in full quit.

vi. MCOP No.16/2019 on the file of Motor Accident Claims Tribunal, Special Sub Court, Attur shall stand withdrawn to this Court and stand compromised for Rs.3,66,000/- in full quit.

vii. It is therefore, directed that the Petitioner Insurance Company shall satisfy the respective compromised amounts in the 6 MCOPs and deposit the respective award amounts to the credit of the respective MCOPs, on the file of the respective Claims Tribunals.

viii. 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.

ix. 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.

x. 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.

xi. The Registry is further directed to send copies of this Order by E-Mail to the respective Motor Accident Claims Tribunals and Joint Commissioners of Labour Cases, for the present, for compliance. The Claims Tribunals shall treat the E-Mail of the copy of this Order received from this Court as 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.

xii. In fine, the 6 Memos dated 13/05/2020 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 II)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Exclusive Motor Accidents Claims Tribunal,
Tiruppur.
2. The Subordinate Judge,
Attur.
3. The Subordinate Judge,
Vaniyambadi.
4. The Subordinate Judge,
Tiruppattur.

Common order
in Tr. CMP. Nos.389 to 394 of 2020

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