

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 15/05/2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.395 to 399 of 2020

M/s.Tata AIG General Insurance Co Ltd.,
Samson Towers, II Floor, 403 L
Pantheon Road, Egmore,
Chennai-600 008.

...Petitioner in all Tr. CMPs/
2nd Respondent in Tr.C.M.P. 395,
396, 398, 399/2020/3rd Respondent
in Tr.C.M.P.397/2020.

.Vs.

1.Mr. K Marimuthu (MCOP No. 824/2019) ..Respondents in
2.K. Chandralekha in Tr CMP No.395 of 2020

1.Baby (MCOP No. 685/2018) ..Respondent in
in Tr CMP No.396 of 2020

1.Mr. Swaminathan (died), Sadasivam (MCOP No. 697/2018)
2.Sadasivam
3.Baby ..Respondents in
in Tr CMP No.397 of 2020

1.Mr. Arumugham (MCOP No. 125/2019) ..Respondent in
in Tr CMP No.398 of 2020

1.Ms. Geetha (MCOP No. 396/2017) ..Respondents in
2. Velayutham in Tr CMP No.399 of 2020

..Respondents in Tr.CMPs/Petitioners in MCOPs

1)Prayer in Tr.CMP No.395/2020:- Transfer Civil Miscellaneous
Petition filed under Section 24 of C.P.C., r/w Article 227 of
The Constitution of India, to withdraw MCOP No. 824/2019, on
the file of the learned Motor Accident Claims Tribunal,
Subordinate Judge, Kangayam to the file of this Hon'ble Court to
record compromise of the said Claim for Rs. 10,50,000/- in full
quit.

2)Prayer in Tr.CMP No.396/2020:- 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. 685/2018, on the file of the learned Motor Accident Claims Tribunal, Special District Judge, Erode to the file of this Hon'ble Court to record compromise of the said claim for Rs.2,95,000/- in full quit.

3)Prayer in Tr.CMP No. 397/2020:- 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. 697/2018, on the file of the learned Motor Accident Claims Tribunal, Special District Judge, Erode to the file of this Hon'ble Court to record compromise of the said claim for Rs.6,50,000/- in full quit.

4)Prayer in Tr.CMP No.398/2020:- 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. 125/2019, on the file of the learned Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram to the file of this Hon'ble Court to record compromise of the said claim for Rs. 2,50,000/- in full quit.

5)Prayer in Tr.CMP No.399/2020:- 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. 396/2017, on the file of the learned Motor Accident Claims Tribunal, District Court No.II, Kanchipuram to the file of this Hon'ble Court to record compromise of the said claim for Rs. 11,00,000/- in full quit.

For Petitioners : Mr. R. Sankaranarayanan,
Senior Advocate,
in Tr.CMP No.399/2020 against
MCOP No. 396/2017

: Mr. N.Vijayaraghavan in
397/2020
against MCOP No.697/2018
Mr.V.R. Ravi Shankar in
TR.C.M.P. 395/2020 M.C.O.P. 824/2019.

: Mr. V. Lakshminarayanan
in Tr. CMP No.398/2020 against
MCOP No.125/2019

: Mr. N.P. Vijayakumar in
Tr.CMP No.396/2020 against
MCOP No. 685/2018

COMMON ORDER

The Petitioner Insurer has filed 5 Memos dated 13/05/2020 in relation to 5 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 5 MCOPs have agreed for Compromise.

S No.	MCOP No. & MACT	Petitioner's Name	Petitioner's Counsel & Ph No.	Compromised Amount
1	824/2019 Subordinate Judge, Kangeyam	K Marimuthu & K Chandralekha	Somasundaram K 9842002222	Rs 10,50,000/-
2	685/2018 Special District Judge, Erode	Baby (Swaminathan died) Sadasivam & Baby	Muthukumar C 9842708687	Rs 2,95,000/-
3	697/2018, Special District Judge, Erode	(Swaminathan died) Sadasivam & Baby	Muthukumar C 9842708687	Rs. 6,50,000/-
4	125/2019 Subordinate Judge, Dharapuram	Arumugham	S T Sekar 9842731513	Rs 2,50,000/-
5	396/2017 District Court No.II, Kanchipuram	Geetha & Velayutham	C.Padmanaban 9842325634	Rs. 11,00,000/-

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 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 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 M/s Cholamandalam MS General Insurance Co Ltd.

4. In respect of these 5 Memos dated 13/05/2020, the Petitioner Insurance Company, M/s. Tata AIG General Insurance Co Ltd., has confirmed its consent for compromising all the 5 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 through WhatsApp messages dated 12/05/2020 and 1 E-Mail dated 13/05/2020, from the said counsel, agreeing for the respective amounts in the Table above.

6. In the 5 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 4 WhatsApp messages and 1 E-Mail 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 by Whatsapp and E-Mail 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 5 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 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 5 Memos dated 13/05/2020 filed by the Petitioner Insurance Company are ordered as prayed for. Accordingly, the said 5 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. 824 of 2019 on the file of The Motor Accident Claims Tribunal cum Subordinate Judge, Kangeyam, shall stand withdrawn to this Court and stand compromised for Rs.10,50,000/- in full quit. Accordingly, the claimants shall share the compensation amount equally. The 1st petitioner shall be entitled to Rs. 5,25,000/- and the 2nd petitioner shall be entitled to Rs.5,25,000/-.

ii. MCOP No. 685 of 2018 on the file of The Motor Accident Claims Tribunal cum Special District Judge, Erode, shall stand withdrawn to this Court and stand compromised for Rs.2,95,000/- in full quit.

iii. MCOP No. 697 of 2018 on the file of The Motor Accident Claims Tribunal cum Special District Judge, Erode, shall stand withdrawn to this Court and stand compromised for Rs.6,50,000/- in full quit. The 1st petitioner husband had died pending claim, for the death of his wife., 2nd petitioner & 3rd petitioner being major, have been recorded as legal representatives of the deceased father, hence the settlements reached with major sons petitioners 2 & 3 for Rs. 6,50,000/- in full quit. The petitioners 2 & 3 are permitted to share the compromise award equally at Rs. 3,25,000/- each.

iv. MCOP No. 125 of 2019 on the file of The Motor Accident Claims Tribunal cum Subordinate Judge, Dharapuram, shall stand withdrawn to this Court and stand compromised for Rs.2,50,000/- in full quit.

v. MCOP No. 396 of 2017 on the file of The Motor Accident Claims Tribunal cum District Court No.II, Kanchipuram, shall stand withdrawn to this Court and stand compromised for Rs.11,00,000/- in full quit. Accordingly, the claimants shall share the compensation amount as follows. The 1st petitioner shall be entitled to Rs. 7,00,000/- and the 2nd petitioner shall be entitled to Rs.4,00,000/-.

vi. It is therefore, directed that the Petitioner Insurance Company shall satisfy the respective compromised amounts in the 5 MCOPs and deposit the respective award amounts to the credit of the respective MCOPs, on the file of the respective Claims Tribunals.

vii. The Petitioner Insurer shall deposit the respective compromised award amounts within 2 weeks from the date of

receipt of copy of this Order by E-Mail.

viii. 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.

ix. It is hereby directed that the Registry shall send a Copy of this Order to the Counsel for the Petitioner by Email who shall in turn send a copy of the same to the respective Counsel for the Claimants, to confirm the Compromise awards.

x. The Registry is further directed to send copies of this Order by Email to the respective Motor Accident Claims Tribunals, for the present, for compliance. The Claims Tribunals 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, for the record.

xi. In fine, the 5 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

- 1.Motor Accident Claims Tribunal cum Subordinate Judge, Kangeyam.
- 2.Motor Accident Claims Tribunal cum Special District Judge, Erode.
- 3.Motor Accident Claims Tribunal cum Subordinate Judge, Dharapuram.
- 4.Motor Accident Claims Tribunal cum District Court No.II, Kanchipuram.

5.Tata AIG General Insurance Co Ltd
403 L, Pantheon Road
Egmore, Chennai 8.

Tr. CMP. Nos.395 to 399 of 2020

PVS (CO)
SP(05/10/2020)



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