

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15/05/2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.400 to 405 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.

Mr. S.Abilesh (MCOP No.152/2019)

..... Respondent in
Tr.CMP No.400/2020

Mr. Selladurai (MCOP No.437/2019)

..... Respondent in
Tr.CMP No.401/2020

Mr. Prabhu R (MCOP No.677/2019)

..... Respondent in
Tr.CMP No.402/2020

Mr. Ashik (MCOP No.98/2017)

..... Respondent in
Tr.CMP No.403/2020

Mr. Bathiri Narayanan (MCOP No.6275/2019)

..... Respondent in
Tr.CMP No.404/2020

Mr. K.Vinothkumar (MCOP No.6060/2019..

.... Respondent in
Tr.CMP No.405/2020

....Respondents in Tr.CMPs/Petitioners in MCOPs

Prayer in Tr.CMP No.400/2020:- 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.152/2019, on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Bhavani

Prayer in Tr.CMP No.401/2020:- 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.437/2019, on the file of the Motor Accident Claims Tribunal, The Special Subordinate Judge, Erode

Prayer in Tr.CMP No.402/2020:- 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.677/2019, on the file of the Motor Accident Claims Tribunal/ Sub Court, Ponneri.

Prayer in Tr.CMP No.403/2020:- 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.98/2017, on the file of the - Motor Accident Claims Tribunal/ Sub Court, Ponneri.

Prayer in Tr.CMP No.404/2020:- 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.6275/2019, on the file of the Motor Accident Claims Tribunal/ III Court of Small Causes, Chennai

Prayer in Tr.CMP No.405/2020:- 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.6060/2019, on the file of the Motor Accident Claims Tribunal/ IV Court of Small Causes, Chennai

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

COMMON ORDER

The Petitioner Insurer has filed 6 Memos dated 14/05/2020 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	Petitione r's Name	Petitione r's Counsel	Counsel's Amount Phone No. in Rs.
		IV Additiona l District Judge, Bhavani	Mr. Abilesh	Mr. N. Palanisam y	984272102 2 6,40,000/-
1	152/2 019	The Special Subordina te Judge, Erode	Mr. Selladura i	Mr. N. Palanisam y	984272102 38,50,000/ 2 -
2	437/2 019	Sub Court Ponneri	Mr. Ashik	Ms. Maheswari . V	944369115 2,15,000/- 5
3	98/20 17	Sub Court, Ponneri	Mr. Prabhu R	Mr. V. Amarath Gandhi	944412007 2,65,000/- 4
4	677/2 019	III Court of Small Causes, Chennai	Mr. Bathiri Narayanan	Mr. K. Srinivasa n	995290554 1,20,000/- 7
5	6275/ 2019	IV Court of Small Causes, Chennai	Mr. K. Vinothkum ar	Mr. K. Ravikumar	944449394 3,32,400/- 6
6	6060/ 2019				

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 23 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 14/05/2020, 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 counsels for the said claimants, agreeing for the respective amounts indicated in the Table above.

6. In the 6 Memos dated 14/05/2020, 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 by 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 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 6 Memos dated 14/05/2020 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 vide the Table above.

10. Hence, the following directions are issued.

i. MCOP No.152/2019 on the file of The Motor Accident Claims Tribunal, IV Additional District Judge, Bhavani shall stand withdrawn to this Court and stand compromised for Rs.6,40,000/- in full quit.

ii. MCOP No.437/2019 on the file of The Motor Accident Claims Tribunal, The Special Subordinate Judge, Erode shall stand withdrawn to this Court and stand compromised for Rs.38,50,000/- in full quit.

iii. MCOP No.98/2017 on the file of The Motor Accident Claims Tribunal, II - Motor Accident Claims Tribunal, Tiruvallur shall stand withdrawn to this Court and stand

compromised for Rs.2,15,000/- in full quit.

iv. MCOP No.677/2019 on the file of The Motor Accident Claims Tribunal, Sub Court, Ponneri shall stand withdrawn to this Court and stand compromised for Rs.2,65,000/- in full quit.

v. MCOP No.6275/2019 on the file of The Motor Accident Claims Tribunal, III Court of Small Causes, Chennai shall stand withdrawn to this Court and stand compromised for Rs.1,20,000/- in full quit.

vi. MCOP No.6060/2019 on the file of The Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai shall stand withdrawn to this Court and stand compromised for Rs.3,32,400/- in full quit.

vii. 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.

viii. 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.

ix. 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 counsels for the Claimants, to confirm the Compromise Awards.

x. 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 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.

xi. In fine, the 6 Memos dated 14/05/2020 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-IV)

//True copy//

Sub Assistant Registrar

KP

To

1. The Motor Accident Claims Tribunal
IV Additional District judge, Bhavani
- 2.The Motor Accident Claims Tribunal
The Special Subordinate Judge, Erode
- 3.The Motor Accident Claims TribunalII
Subordinate Judge, Ponneri (2 Copies)
(MCOP No.98/17 and 677/19)
- 4.The Motor Accident Claims Tribunal
III Court of Small Causes, Chennai
- 5.The Motor Accident Claims Tribunal
IV Court of Small Causes, Chennai
- 6.Mr. Vijayaraghavan N V.
(vijayaraghavan.nv@gmail.com)
- 7.M/s. Cholamandalam MS General Insurance Ltd - Petitioner
(premanandp@cholams.murugappa.com)
(srinivasanal@cholams.murugappa.com)

Common Order
in Tr.CMP. Nos.400 to 405 of 2020

MR (CO)
GMY (03/09/2020)

सत्यमेव जयते

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