

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.2352 of 2017

M/s.Cholamandalam MS General Insurance Company Limited,
2nd Floor, TAB Complex, Bharathidasan Salai,
Cantonment, Tiruchirapali.

... Appellant/2nd Respondent

Versus

1. Mr.Ravichandran, ... 1st Respondent/Petitioner

2. Mr.R.Kumar
(Exparte before the Tribunal) ... 2nd Respondent/
1st Respondent

Prayer: This Civil Miscellaneous Appeal has filed under Section 173 of The Motor Vehicles Act, 1988, against the order dated 20.10.2016 made in MCOP.No.473 of 2014 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Perambalur.

For Appellant : Mr.Vijayaraghavan.N
For Respondents : Mr.T.Gopinath - R1

ORDER

This appeal has been taken up for hearing with the consent of both parties. The appellant/Insurer has communicated their consent along with the consent of the counsel of the respondent/claimant which they have obtained through digital mode, namely, WhatsApp message. This court is satisfied with the consent expressed by both sides through such digital mode, given the peculiar circumstances created by the pandemic- COVID19.

2.The appeal has been filed by the appellant/2nd respondent insurance company. Pending appeal, they have negotiated a compromise with the counsel for the claimants. Proof of consent of the insurer for the said compromise has been e-mailed to this court along with the consent obtained by them from the counsel for the claimants. There is such evidence by way of letter from the counsel for the claimants which has been sent by WhatsApp to the counsel for the insurance company. The counsel for the

claimants has assured and confirmed that consent of the claimants for the said compromise has been duly obtained.

3.In view of the claimant facing a lack of internet facility, the counsel for claimant has captured their consent in his letter itself.

4.I am satisfied that the claimant and insurance company have reached a compromise for settlement of the claim of Rs.9,50,000/- in full quit, as against the award of the Claims Tribunal dated 20.10.2016, for Rs.8,29,888/- with interest & cost.

5.It is brought to my notice that the insurance company has deposited Rs.10,05,781/- pursuant to the orders of interim stay. The entire award amount has already been deposited with interest and costs before the Tribunal and hence, the Insurance Company is entitled to withdraw the balance amount with accrued interest out of the amount deposited in the Tribunal.

6.The 1st respondent is permitted to withdraw a sum of Rs.9,50,000/-. The Claims Tribunal shall disburse the award amount to the claimant on proper identification by the counsel for the claimant in a manner known to law. The insurance company shall be entitled to withdraw a sum of Rs.55,781/- with accrued interest, if any.

7.The appeal shall stand disposed of in terms of this compromise and there shall be no orders as to interest or cost.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,Perambalur.

Copy to
The Section Officer, VR Section,
High Court, Madras.

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SAI (CO)
CS/16/04/2021