



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A (MD) No.123 of 2015

- 1.Meenakshi
- 2.Ananda Selvi
- 3.Subbulakshmi
- 4.Sundaramoorthy
- 5.Minor Muthumari
- 6.Minor. Balamurugan

... Appellants / Claimants

[Appellants 5 and 6 are minors represented by their mother and natural guardian 1st appellant]

Vs.

- 1.R.Sanjeevi

- 2.The Divisional Manager,
M/s.Sri Ram General Insurance Company Limited,
1000 3 E.8, RIICO Industrial Area,
Sitapura, Jaipur,
Rajasthan - 302 022.
through the Branch Manager,
M/s.Sriram General Insurance Company Limited,
Suguna Store Building,
2nd Floor, Anna Nagar,
Madurai. -20.

: Respondents / Respondents

(1st Respondent owner of the vehicle
set ex-parte before the trial Court)

PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Vehicle Accident Claims Tribunal/Sub Court, Aruppukkottai in M.C.O.P.No. 70 of 2010, on 13.09.2012.

For Appellants : Mr.G.Marimuthu
For R2 : Mr.D.Sivaraman

JUDGMENT

The Civil Miscellaneous Appeal has been preferred against the judgment and decree in M.C.O.P.No. 70 of 2010, dated 13.09.2012, passed by the Motor Vehicle Accident Claims Tribunal/Sub Court, Aruppukkottai.



2.The learned counsel for the appellants as well as the respondents represented that a Joint compromise Memo, dated 25.08.2020, has already been filed before this Court, duly signed by all the parties along with their respective Counsel on record. In the Joint Compromise Memo, dated 25.08.2020, the parties are agreed for the following terms:

"JOINT MEMO FILED BY THE APPELLANTS/RESPONDENTS

1.It is submitted that the above CMA(MD)No.123 of 2015 has been filed by the Appellants herein seeking enhancement of the award passed in MCOP.No.70 of 2010, dated 26.04.2010 by MACT, Sub Court, Aruppukkottai.

2.It is submitted that MACT apportioned the liability equally between the Respondents herein i.e., insured and insurer. The Tribunal quantified the total award at Rs.7,21,000/-, out of which the Respondents are bound to pay Rs.3,65,000/- each against which the above appeal has been filed by the claimants.

3.It is submitted that after negotiations and deliberations, the claimants have come forward to settle the claim by receiving a sum of Rs.5,00,000/- in full quit from the 2nd Respondent viz., Shriram General Insurance Company Limited over and above the award passed by the Tribunal. Both the Appellants as well as the 2nd Respondent are agreeable for the said term.

4.It is submitted that the 2nd Respondent has already deposited their entire liability as fixed by the Tribunal to the credit of MCOP NO.70 of 2010. As per this settlement, now the 2nd Respondent agrees to deposit a further sum of Rs.5,00,000/- in to the credit of MCOP No.70 of 2010 on the file of MACT, Sub Court, Aruppukkottai within a period of 8 weeks from the date of receipt of a copy of this order from this Hon'ble Court.

5.The Appellants agree for the same as full and final settlement and will not have any further claim with respect to the same cause of action, against both the Respondents."

3.A memo has been filed stating that the third appellant is sick and she is taking treatment and hence, she could not appear virtually, that the third appellant had subscribed her signature in the Joint Compromise Memo, dated 25.08.2020 and that she has no objection to record the said Joint Compromise Memo.

4.The learned counsel on either side represented that the Civil Miscellaneous Appeal may be disposed of in terms of Joint Compromise Memo, dated 25.08.2020. The Joint Compromise Memo filed by the parties is recorded.



5. Accordingly, this Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo, dated 25.08.2020, filed by the both parties and the same shall form part of the decree. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Das

To

1.The Subordinate Judge,
Motor Vehicle Accident Claims Tribunal
Aruppukkottai

2.The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.M.A (MD) No.123 of 2015
21.12.2020

VB (10.02.2021) 3P 4C