

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.M.A.NO.1700 OF 2011

National Insurance Company Ltd.,
rep. By its Branch Manager,
33, Promnade Road,
Contonment, Trichy -1 ... Appellant/2nd Respondent

.Vs.

1. V.Rajan ... 1st Respondent/Claimant
2. K.Marimuthu ... Respondents 2 & 3/
3. A.Ravi ... 1st & 3rd Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 31.07.2009, made in M.C.O.P. No. 728 of 2007, on the file of the I Additional Sub Judge, Motor Accident Claims Tribunal, Coimbatore.

For Appellant : Mr.K.Padmanabhan
For Respondents: Mr.Ma.Pa.Thangavel-R1
R2 Not Ready Notice
R3 Given up

J U D G M E N T

The matter is heard through "Physical Hearing".

This Civil Miscellaneous Appeal has been filed by the claimant against the judgment and decree dated 31.07.2009, made in M.C.O.P. No. 728 of 2007, on the file of the I Additional Sub Judge, Motor Accident Claims Tribunal, Coimbatore.

2. Brief facts of the case is that on 05.09.2006 at about 12.30pm the claimant was proceeding in his motorcycle bearing Reg.No. TN 41 M 5455 near Pothanur Road, at that time, a lorry bearing Reg.No.TN27 N 0302 driven by its driver/3rd respondent in a rash and negligent manner and hit against the claimant's motorcycle. As a result of which, the claimant sustained bone fracture and grievous injuries, hence he filed a claim petition before the tribunal for compensation of Rs.5,00,000/-. The

tribunal after considering the oral and documentary evidence, has fixed the liability on the rider of the 1st respondent's vehicle and directed to pay a sum of Rs.2,79,000/- as compensation by the respondents 1 to 3 jointly and severally. Being not satisfied with the said award passed by the tribunal, the Insurance Company has preferred the present appeal to set aside the award passed by the tribunal.

3. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the 1st respondent/claimant and perused the materials available on record.

4. The learned counsel appearing for the appellant/insurance company has submitted before this Court that already this appeal was listed before the National Lok Adalat held on 22.04.2018 for settlement, and as agreed by both the parties, settlement was arrived at Rs. 2,30,000/-. The learned counsel for the appellant/insurance company has further submitted that unfortunately on the said date, the claimant /1st respondent has not signed in the award, hence the appeal is listed today before this Court.

5. Today, the claimant/1st respondent and the learned counsel appearing for the claimant/1st respondent are present before this Court and they have not disputed the settlement made before the National Lok Adalat and agreed to confirm the same. The claimant/1st respondent has also produced a copy of Aadhar Card (Aadhar No.550076236806).

6. Recording the statement made by the 1st respondent/claimant and the learned counsel appearing for the 1st respondent/claimant, this Civil Miscellaneous Appeal is disposed of. No costs.

7. The appellant/Insurance Company is directed to the deposit entire settlement award with accrued interest before the tribunal, less the amount already deposited, within a period of four (4) weeks from the date of receipt of a copy of this Order. On such deposit is being made, the 1st respondent/claimant is permitted to withdraw the amount by filing appropriate applications before the tribunal.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
I Additional Sub Judge,
Coimbatore.

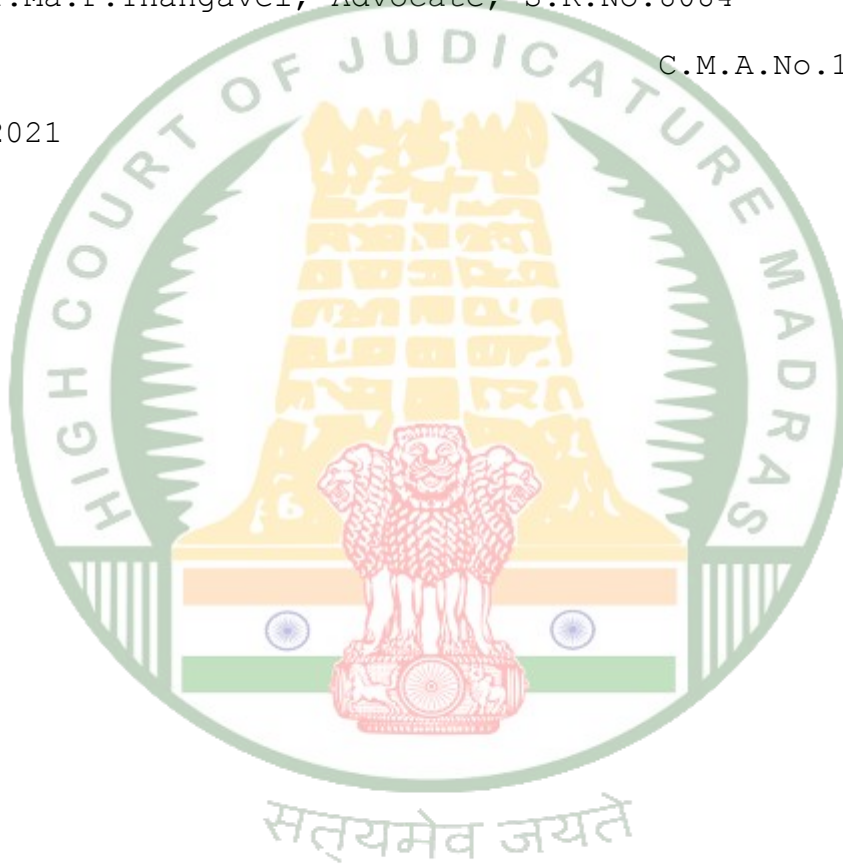
Copy To

The Section Officer,
V.R Section,
High Court, Madras.

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.8084

C.M.A.No.1700 of 2011

SSI(CO)
CS/09/07/2021



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