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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA NOS.2366 OF 2015 AND 3367 OF 2017

AND

MP NO.1 OF 2015

National Insurance Company Limited,
Third party HUB,
No.751,
Anna Salai,
3rd Floor,
Chennai - 600 002.

...Appellant / 2nd Respondent
in CMA No.2366 of 2015

versus

1.K.Gnanasekaran

...Respondent / Peitioner
in CMA No.2366 of 2015

2.G.S.Ravichandran

...Respondent / 1st Respondent
in CMA No.2366 of 2015

K.Gnanasekaran

...Appellant / Petitioner
in CMA No.3367 of 2017

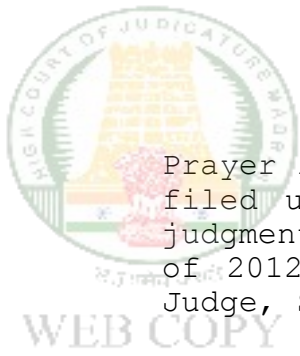
versus

1.G.S.Ravichandran

2.National Insurance Company Limited,
Third party HUB, No.751,
Anna Salai, 3rd Floor,
Chennai - 600 002.

...Respondents / Respondents
in CMA No.3367 of 2017

Prayer in C.M.A. No.2366 of 2015 : Civil Miscellaneous Appeal
filed under Section 173 of the Motor Vehicles Act against the
judgment and decree passed in MACTOP No.4968 of 2012, dated
20.01.2015 on the file of the Motor Accident Claims Tribunal,
4th Small Causes Court, Chennai.



Prayer in C.M.A. No.3367 of 2017 : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 20.01.2015 and made in MACTOP No.4968 of 2012 on the file of the Motor Accident Claims Tribunal, IV Judge, Small Causes Court, Chennai.

CMA No.2336 of 2015

For Appellant : Ms.N.B.Surekha
For Respondents : Not ready in notice reg. R2
Mr.F.Terry Chella Raja for R1

CMA No.3367 of 2017

For Appellant : Mr.F. Terry Chella Raja
For Respondents : Ms.N.B.Surekha for R2
R1 - Exparte

COMMON JUDGMENT
(Heard Video Conference)

The Insurance Company as well as the claimants have entered into a compromise on 08.02.2020, which has been recorded by the Lokadalat. As per the terms of settlement, the claimant who is the appellant in CMA No.3367 of 2017 has agreed to receive Rs.5,44,780/- towards full and final settlement of his claim before the Tribunal in MCOP No.4968 of 2012. The Insurance Company, who is the appellant in CMA No.2366 of 2015 has also agreed to the same. The claimant and the Insurance Company have signed the terms of settlement. The terms of settlement, dated 08.02.2020 between the parties before the Lokadalat shall form part of this order.

2. The learned counsel appearing for the respective parties have also stated their no objection for disposing of this Civil Miscellaneous Appeal in terms of the settlement reached between the parties, before the Lokadalat on 08.02.2020.

3. In terms of the settlement recorded by the Lokadalat on 08.02.2020, these Civil Miscellaneous Appeals are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

4. Accordingly, the appellant in CMA No.2366 of 2015 is directed to deposit the balance amount of Rs.2,44,780/- (Rs.5,44,780/- Less Rs.3,00,000/-) to the credit of MCO.P. No.4968 of 2012 on the file of the Motor Accidents Claims



Tribunal (Court of Small Causes), Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the appellant / claimant in CMA No.3367 of 2017 through RTGS, within a period of two weeks thereafter.

Terms of Settlement before Lok Adalat, dated 08.02.2020

TERMS OF SETTLEMENT :

1. The Tribunal has awarded a sum of Rs.6,19,000/- with interest at the rate of 7.5% (except Rs.50,000/- towards future medical expenses) per annum from the date of petition till the date of deposit. Aggrieved by the said compensation, the appellant / Insurance Company has preferred the appeal in CMA No.2366 of 2015, whereas, the appellant / Claimant has filed the appeal in CMA No.3367 of 2017.

2. After due deliberation and consultation, both the parties agreed to modify the award of the Tribunal to a sum of Rs.5,44,780/- (Rupees Five Lakhs Forty Four Thousand Seven Hundred and Eighty Only) in full quit.

3. The appellant Insurance Company is directed to deposit the modified award amount arrived at today, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order, to the credit of MCOP No.4968 of 2012 on the file of the IV Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai, failing which, the appellant / Insurance Company shall deposit the modified award amount with simple interest at the rate of 7.5% p.a.

4. It is represented that the Insurance Company has already deposited the entire compensation awarded by the Tribunal, out of which, the claimant has already withdrawn a sum of Rs.3,00,000/- with interest. Hence, the claimant is entitled to withdraw the balance modified amount lying in the credit of MCOP No.4968 of 2012 IV Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai and the appellant / Insurance Company is permitted to



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withdraw the balance amount if any in the credit of MCOP No.4968 of 2012 on the file of the IV Judge, Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

5. The Tribunal is directed to transfer the above said award amount to the Bank account of the respondent / claimant by way of NEFT / RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

6. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Civil Miscellaneous Petition, if any, is closed.

s/d-
Assistant Registrar

// True Copy //

Sub-Assistant Registrar

vsi2

To

The IV Judge,
Small Causes Court,
Chennai.

Copy To

The Section Officer,
V.R. Section
High Court of Madras, Chennai - 104.

+1cc to M/s.N.B.Surekha, Advocate SR.No.33677

+1cc to M/s.M.Malar, Advocate SR.No.33607

CMA Nos.2366 of 2015 and 3367 of 2017

AJS (CO)
RVM(18/11/2021)