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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.2804 of 2016

and

CMP No.20326 of 2016

M/s.Venson Transport Private Limited,
Represented by its Managing Director,
S.Gunasekar

... Appellant/Respondent

versus

1. D.Deena
2. Minor G. Gunapriya
3. Kannaiah
4. Vanitha

(Minor 2nd petitioner is represented by
Her mother / natural guardian D. Deena)

... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 26.10.2016 made in MACT OP No.116 of 2013 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate Court, Vellore.

For Appellant : Mr.K.Suryanarayanan

For Respondent : Mr. S.P.Yuvaraj

JUDGMENT

(Heard Video Conference)

Parties to the Civil Miscellaneous Appeal have filed a Joint Memorandum of Compromise, dated 09.08.2021. All the parties have signed this Joint Memorandum of Compromise and the respective counsels have also signed the same. The same is recorded by this Court.

2. The said Joint Compromise Memo reads as follows:

1. The Appeal has been filed by the appellant / Owner of the vehicle. The above MCOP has been filed by



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the respondents 1 to 4 / Claimants claiming compensation for the death of K.Kalai Perumal, in an accident which occurred on 05.11.2010, involving the vehicle bearing Registration No.AP 03 U 7211, belonging to the Appellant herein.

2. The Tribunal passed an award dated 26.10.2016, for a sum of Rs.14,40,000/- along with interest and costs. Aggrieved by this order, the Appellant preferred the above appeal and the appellant deposited Rs.25,000/-.

3. Now the Respondents 1 to 4 / Claimants and the Appellant Owner of the vehicle have negotiated for settlement and arrived at a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) in full quit (without any interest).

4. The above Rs.12,00,000/- (Rupees Twelve Lakhs only) to be apportioned as follows :

The Share of 1st respondent herein Rs.6,00,000/- (Rupees Six Lakhs only)

The Share of 2nd respondent herein Rs.4,00,000/- (Rupees Four Lakhs only)

The Share of 3rd respondent herein is Rs.1,00,000/- (Rupees one lakh only) and

The share of 4th respondent herein is Rs.1,00,000/- (Rupees one lakhs only)

5. It is therefore prayed that this Hon'ble Court may be pleased to record this Memo of Compromise and pass an award for a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) in full quit in favour of the respondents 1 to 4 / claimants payable by the appellant to the credit of the above MCOP No.116 of 2013. The Hon'ble Court may be pleased to apportioned the award as stated in paragraph 4 of this memo among the respondents 1 to 4 / claimants and also permit them to withdraw their respective share amount. Appellant have already deposited Rs.25,000/- and the appellant undertakes to deposit the balance amount of Rs.11,75,000/- (Rupees eleven lakhs and seventy five thousand only) within period of Six weeks from the date of recording the settlement before this Court.

Dated at Chennai this 9th day of August 2021.

3. In terms of the Memorandum of Compromise, dated 09.08.2021 which shall form part of the Decree, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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4. Post the matter "for reporting compliance" on 06.10.2021.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nl/vsi2

To

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

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

+1cc to Mr.K.Suryanarayanan, Advocate Sr.39650

+1cc to Mr.S.P.Yuaraj, Advocate Sr.39862

C.M.A. No.2804 of 2016

rsi[co]
srg 31/08/2021