



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A.NO.1511 OF 2018

A.Kalaivani

... Appellant/Petitioner

.Vs.

1. G.R.Palanivel

(Set ex-parte before Tribunal)

2. The Divisional Manager,

The United India Insurance Company Ltd.,

Do.No.13A, Nethaji Road,

Cuddalore - 607 001.

... Respondents/Respondents

PRAYER:-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree dated 05.02.2018 in M.C.O.P.No.3269 of 2014 on the file of the Motor Accidents Claims Tribunal, II Additional Subordinate Court, Cuddalore.

For Appellant : Mrs.Ramya V.Rao

For R2 : Mr.A.Dhiraviyanathan

JUDGMENT

The matter is heard through "Video Conferencing/Hybrid Mode".

2. This Civil Miscellaneous Appeal is filed by the appellant/claimant to set aside the award and decree dated 05.02.2018 in M.C.O.P.No.3269 of 2014 on the file of the Motor Accidents Claims Tribunal, II Additional Subordinate Court, Cuddalore.



3. When the matter is taken up for hearing, both the learned counsel appearing for the appellant as well as the 2nd respondent made submissions that the issues between the parties had already been settled and filed a memo of compromise signed by both the representative of the appellant as well as by the 2nd respondent and also by the learned counsel appearing for the appellant as well as by the learned counsel appearing for the 2nd respondent. The said memo is extracted hereunder:

Joint Memo for recording settlement:

"1. The above appeal has been filed by the petitioner/appellant for enhancement of compensation.

2. The tribunal passed an award for a sum of Rs.1,25,500/- along with interest & costs as against the claim of Rs.5,00,000/-. The Tribunal Award has already been satisfied by the Insurance Company. Now the appellant and the respondent have negotiated for settlement and arrived at a sum of Rs.1,00,000/- (One Lakh only) in full quit over and above the award amount.

3. The petitioner is willing to accept the sum of Rs.1,00,000/- as compensation in full quit and the 2nd respondent is willing to deposit the said amount to the credit of the above MCOP within four weeks from the date of communication of the award passed on the basis of the joint memo.

4. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass award for Rs.1,00,000/- in full quit in favour of the petitioner, payable by the 2nd respondent to the credit of the above MCOP within a period of four weeks from date of communication of the copy of the award and on such deposit the Tribunal shall transfer the entire compensation amount to the bank account of the appellant/claimant by way of RTGS/NEFT on proper identification, in accordance with the terms of award without insisting formal permission petition and thus render justice."

4. In view of the compromise arrived at between the parties, no further adjudication needs to be entertained in respect of the grounds raised in this appeal. Accordingly, this Civil



Miscellaneous Appeal stands disposed of. The memo of compromise shall form part of the decree. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The II Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Cuddalore.
2. The Section Officer,
V.R. Section
High Court, Chennai.

+2ccs to Mrs.Ramya V.Rao, Advocate, S.R.No.66206

C.M.A.NO.1511 OF 2018

RSI (CO)
PBS/29/03/2022