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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2021

C O R A M

THE HONOURABLE Mrs. JUSTICE S.KANNAMMAL

Civil Miscellaneous Appeal No. 702 of 2018

M/s.Reliance General Insurance Co. Ltd.,
Roys Towers, Plot No.2054
2nd Avenue, 2nd Floor
Anna Nagar, Chennai 40. ...Appellant/4th respondent

Vs

1.B.Kumudhavalli
2.B.Babu
3.B.Bharath ...Respondents 1 to 3/Appellants
4.K.Pasupathy ... 4th respondent/1st Respondent

5.The New India Assurance Co. Ltd.,
T.P.Cell, 5th Floor No.45
Moore Street
Chennai 1 ...5th Respondent/ 2nd respondent

6.S.Thangamani ...6th Respondent/ 3rd Respondent

Prayer: Civil Miscellaneous Appeal is filed against the judgment and decree dated 10.04.2017 made in MCOP.No.6081/2012 on the file of the learned Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant .. Mr.S.Arunkumar

For Respondents .. Mr.J.Chandran for R5
Mr.Varadhakamaraj for R1 to R3

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the judgment and decree dated 10.04.2017 made in MCOP.No.6081/2012 on the file of the learned Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.



2. The Insurance Company is the appellant herein.

3. When the Civil Miscellaneous Appeal is taken up for hearing, the learned counsel for the appellant and the learned counsel for the respondents 1 to 3 brought to the notice of this Court that the respondents 1 to 3 and the appellant has arrived at a compromise and a memo of compromise has also been filed to that effect. The joint memo of compromise reads thus:

"MEMO OF COMPROMISE

The Parties herein mutually agree to compromise the above C.M.A. the terms of the compromise in writing as follows:

1.The above MCOP filed by claimants for death of 1st claimant husband and father of 2nd and 3rd claimants in an motor accident and claiming compensation for a sum of Rs.20,00,000/-.

2.The learned Tribunal after detailed trial passed an award for a sum of Rs.13,27,000/- with interest payable by appellant herein. As against the above award the appellant herein preferred above appeal.

3.In the above CMA, the appellant and respondents 1 to 3 (claimants) agreed to settle the award amount for a sum of Rs.13,00,000/- as full quit. Accordingly, the appellant ready to pay a sum of Rs.13,00,000/- (without interest and cost) to the respondents 1 to 3 (claimants 1 to 3).

4.The above memo of compromise may be recorded and a consent award may be passed in favour of the respondents 1 to 3 payable by the appellant.

Dated at Chennai on this 01st day of December 2021.

sd/-

Counsel for Appellant

sd/-

Counsel for respondents

1 to 3

sd/-

Appellant

sd-

Respondents"

The joint memo of compromise forms part of the record.



12. In fine, the Civil Miscellaneous Appeal is partly allowed by recording the joint memo of compromise. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

RR
To

1. The Motor Accidents Claims Tribunal,
Chief Court of Small Causes,
Chennai.

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

+1cc to Mr. J. Chandran, Advocate Sr. 64016
+2cc to Mr. K. Varadha Kamaraj, Advocate Sr. 63859

C.M.A.No.702 of 2018

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srg 15/02/2022