

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.01.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.191 of 2017

The Oriental Insurance Company Limited,
Subha Govindam Building, Imperial Road,
Cuddalore 607 003. ...Appellant
Vs

1.S.Saravanan
2.N.Murugan
...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 16.10.2015 made in M.C.O.P.No.1783 of 2013 on the file of the Motor Accidents Claims Tribunal, (Special Sub Court), Cuddalore.

For Appellant : Mrs.Elveera Ravindran
For Respondents : Mrs.Ramya V.Rao

J U D G M E N T

Learned counsel appearing for the appellant/Insurance Company and the respondent/claimant informed the Court that the parties have resolved the dispute and amicable settlement arrived. A joint memo for recording the settlement is filed.

2. As per the joint memo filed by the parties duly signed, compromise has been arrived between them. The Insurance Company has agreed to pay Rs.3,60,000/- to the claimant with 7.5% interest from the date of petition till the date of deposit.

3.Since the Insurance Company has deposited a sum of Rs.5,26,467/- by cheque dated 21.12.2016 before the Special Court for MCOP cases at Cuddalore and the same has been received by the Court on 22.12.2016, learned counsel appearing for the Insurance Company seeks leave of this Court to permit the Insurance Company to withdraw the balance amount after paying the claimant a sum of Rs.3,60,000/- with accrued interest at the

rate of 7.5% from the date of petition till 22.12.2016. The joint memo filed by the parties reads as follows:

"1. The appeal has been filed by the appellant/insurance company. The above MCOP has been filed by the 1st respondent/claimant claiming compensation for the injuries sustained by him in an accident occurred on 02.05.2013 involving the vehicle bearing Registration No.TN31 AD 6860 insured with this appellant.

2.The tribunal passed an award dated 16/10/2015 for a sum of Rs.4,42,790/- along with interest and costs. Aggrieved by this order the appellant preferred the above appeal and the appellant deposited the entire award amount.

3.Now the 1st respondent/claimant and the appellant insurance company have negotiated for settlement and arrived at a sum of Rs.3,60,000/- (Rupees Three lakhs Sixty Thousand only) with 7.5% interest till the date of deposit.

4. 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.3,60,000/- (Rupees Three lakhs Sixty Thousand only) with 7.5% interest till the date of deposit in favour of the 1st respondent payable by the appellant to the credit of the above MCOP. The Hon'ble Court may be permitted the 1st respondent/claimant to withdraw the award amount of (Rupees Three lakhs Sixty Thousand only) with 7.5% interest till the date of deposit from the amount already deposited by the appellant and also direct the tribunal to return the balance excess amount to the appellant with accrued interest thereon."

4. Recording the joint memo, the Civil Miscellaneous Appeal is disposed of as settled out of Court. The joint memo shall be part of the decree. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vri

To

Motor Accidents Claims Tribunal
The Special Subordinate Judge,
Cuddalore.

Copy to
The Section officer
VR Section
High Court
Madras

+1 cc to Mr.Viswanatha Rao Advocate sr4996

CMA NO.191 OF 2017

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