

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.3377 of 2017

M/s.Iffco Tokio General Insurance Company Limited,
ITGI - STRATEGIC Business Unit,
New No.28, 2nd Floor, North Usman Road,
T.Nagar, Chennai - 600 017.

...Appellant
/2nd Respondent

Vs

1.S.Chandra
2.Sumathy
3.Umpathy
4.Pandipriya
5.P.Venus Kumar

...Respondents/Petitioners
& 1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the Judgment and Decree dated 20.03.2017 made in M.C.O.P.No.1028 of 2010 passed by the Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

For Appellant : Mr.E.Rajadurai for
M/s.M.B.Gopalan Associates.
For Respondents : Mrs.A.Punitha for Mr.N.Kamaraj
for R1 to R4
Steps not taken for R5.

JUDGMENT

The Insurance Company, who is the appellant before this Court and the claimants who are the respondents 1 to 4 herein have entered into compromise and they have also filed a joint memo of compromise. The terms of memo of compromise is as under:-

"3. In the appeal, parties agree that Appellant shall pay and the Respondents 1 to 4/Petitioners agree to accept a sum of Rs.8,00,000/- in full quit of the claim in MCOP No.1028 of 2010 on the file of MACT, Chief Court of Small Causes, Chennai.

4. Appellant has already deposited entire award amount with interest and cost as per Stay order. The Respondents 1 to 4/Petitioners shall be entitled to withdraw Rs.8,00,000/-. Balance amount shall be withdrawn by Appellant Insurance company.

5. Each party shall bear respective costs."

2. The parties have agreed that the said amount of Rs.8,00,000/- shall be apportioned by the claimants as below:

- (i) First claimant (wife of the deceased)
Rs.6,50,000/-
(ii) Claimants 2 to 4 (each) Rs.50,000/-

3. In the light of the above memo of compromise, this Civil Miscellaneous Appeal is disposed of as settled out of Court. No costs.

*Xerox copy of Memo of Compromise Enclosed

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl

To

1. The Motor Accidents Claims Tribunal,
Chief Court of Small Causes, Chennai.
2. The Section Officer,
VR Section, High Court,
Madras.

C.M.A.No.3377 of 2017

SR I (CO)
KKV/23/03/2021

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