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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 07.01.2021

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.A.No.2986 of 2018
& C.M.P.No.22630 of 2018

Royal Sundaram General Insurance Co. Ltd.,
Vishranthi Melaram Towers, No.2/319,
Rajiv Gandhi Salai (OMR), Karapakkam,
Chennai - 600 097.

... Appellant/2nd Respondent

/versus/

1. Arumugam,
S/o.Venkatachalam,
Aged about 29 years, Native of No.15/134,
Kalgudahalli Village, Near Mariamman Koil,
Palacode Town and Taluk, Dharmapuri District,
Now residing at Paiyur Village and Post,
Krishnagiri Taluk and District.

...1st Respondent/Petitioner

2. Ramkumar, K.N. S/o.Nagaraj,
K.R., residing at No.10/1, 247/2, Anjana 6th Blocck,
25th Cross, Jayanagar, Bangalore - 560 082.

...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, against the decree and judgment dated 29th day of August 2018, made in M.C.O.P.No.207 of 2017, on the file of Motor Accident Claims Tribunal, (Special Sub Court), Krishnagiri.

For Appellant : Mrs.Elveera Ravindran

For R1 : Mr.N.Desinghu

For R2 : Given up



J U D G M E N T

(The case has been heard through video conference)

Heard the Learned Counsel for the Appellant/Insurance Company and the Learned Counsel for the 1st respondent.

2. The Claim Petition in M.C.O.P.No.207 of 2017 was filed by Arumugam before the Motor Accident Claims Tribunal, (Special Sub Court), Krishnagiri, seeking compensation for a sum of Rs.40,00,000/-, for the injury he sustained in the road accident occurred on 28.04.2017 at about 17.45 hours near Kattampatti junction on Dharmapuri to Palacode Road.

3. The Claim Petition was laid against the owner of the LMV car bearing registration No.KA-05-MM-0998 and the Insurance Company under which the said LMV car had insurance coverage. The claim petition was contested by the Insurance Company.

4. The Tribunal held that the accident occurred due to negligence of the LMV car driver and awarded a sum of Rs.13,17,000/- as compensation with 9% interest, from the date of petition till the date of realisation.

5. Aggrieved by the said award, the Insurance Company has preferred the appeal. Pending appeal, in compliance with the conditional order passed by this Court, the Appellant/Insurance Company has deposited a sum of Rs.14,83,865/-.

6. In the above said circumstances, the claimant and the Insurance Company have arrived at a settlement and filed a joint memo dated 14.09.2020. As per the joint memo, the claimant has settled for a sum of Rs.11,26,986/- in full quit.

7. In view of the said joint memo, the settlement between the claimant and the Insurance Company has been arrived and the following order is passed. The claimant/1st respondent is entitled for a sum of Rs.11,26,986/- in full quit, from the amount lying in M.C.O.P.No.207 of 2017 account. The 1st respondent/Arumugam is entitled to withdraw a sum of Rs.11,26,986/-. The balance amount is permitted to be withdrawn by the Appellant/Royal Sundaram General Insurance Company Limited. The Tribunal is permitted to disburse the above said amount to the claimant, on filing proper application.



8. Recording the said compromise memo, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

*Xerox copy of the Joint Memo of Settlement dated 14/09/2020 is enclosed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

bsm

To:-

- 1.The Subordinate Judge,
The Motor Accident Claims Tribunal,
Krishnagiri.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

C.M.A.No.2986 of 2018

SSD(CO)
CB(14/12/2021)