



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2021

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THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.M.P. (MD) No.520 of 2021

and

CMA(MD).SR.No.2381 of 2021

Shri Ram General Insurance Company Ltd.,
Through its Branch Manager
Office at 2nd Floor, 25B2/1S
SRC Complex, North Block
S.N.High Road, Tirunelveli

...Petitioner/Appellant

-Vs-

1.Magdhum Hameed
2.Aneeza Mubeena
3.Selvakumar
4.Krishnan
5.National Insurance Company Ltd.,
Through its Divisional Manager
Office at 1st Floor, Anguvilas Building
No.112, North Car Street,
Nagercoil.

...Respondents/Respondents

Prayer in C.M.P(MD).No.520 of 2021:

This Civil Miscellaneous Petition filed under Section 173(1) of Motor Vehicles Act, to condone the delay of 951 days in filing the above Civil Miscellaneous Appeal against the award passed in MCOP.No.81 of 2016 dated 13.02.2018 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Tirunelveli.

Prayer in C.M.A. (MD).No.SR2381 of 2021 :

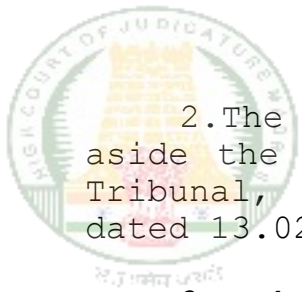
This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Principal Sub Court, Tirunelveli in MCOP.No.81 of 2016 dated 13.02.2018.

For Petitioner
For R1 & R2

: Mr.D.Sivaraman
: Mr.P.Samuel Gunasingh

ORDER

This petition has been filed to condone the delay of 951 days in filing the above Civil Miscellaneous Appeal against the award passed in MCOP.No.81 of 2016 dated 13.02.2018 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Tirunelveli.



2.The above Civil Miscellaneous Appeal has been filed to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Principal Sub Court, Tirunelveli in MCOP.No.81 of 2016 dated 13.02.2018.

3.Today, when the matter was taken up for hearing, a joint memo of compromise signed by the petitioner, respondents 1 and 2 and their respective counsels, has been filed, stating that both the parties have settled the matter between themselves. The said compromise memo is extracted below:-

'1.It is submitted that in MCOP.No.81 of 2016 filed by the respondents 1 to 2 herein, the Tribunal awarded a sum of Rs.7,50,000/- as compensation with interest at the rate of 7.5% per annum against which the above appeal has been filed by the Appellant Shriram General Insurance Company Ltd.,

2.It is submitted that the respondents 1 to 2 herein came forward to settle the claim with the appellant. After negotiations and deliberations, both the parties have agreed to settle the claim for a sum of Rs.7,50,000/- in full quit.

3.It is submitted that the appellant herein has already deposited a sum of Rs.8,81,590/- before MACT, Principal Sub Court, Tirunelveli into the credit of MCOP.No.81 of 2016. As per the above terms of settlement the claimants are at liberty to withdraw a sum of Rs.7,50,000/- from the deposit. The parties agree that the appellant/Shriram General Insurance Company Ltd., is entitled to withdraw the balance amount lying on the deposit in MCOP.No.81 of 2016 on the file of the MACT, Principal Sub Court, Tirunelveli.

4. The Respondents 1 to 2 herein are agreeable for the above said terms and they will have no further claim with respondent to the same cause of action"

4. In view of the joint compromise memo signed by the petitioner, respondents 1 and 2 and their respective counsel, the Civil Miscellaneous Petition is closed. No costs. Consequently, CMA (MD).SR.No.2381 of 2021 is rejected, at the S.R.stage itself. The joint compromise memo shall form part of the record.

Sd/-

Assistant Registrar (CS-II)

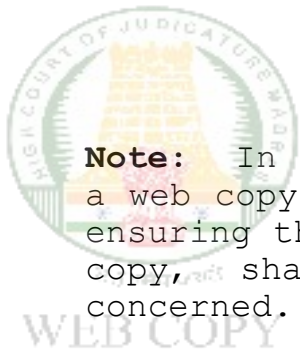
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/ /2021

Sub Assistant Registrar(CS)

MSA

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal Sub Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-7673[F] dated 26/02/2021)

Order made in
C.M.P.(MD) No.520 of 2021 and
CMA(MD).SR.No.2381 of 2021
25.02.2021

SSS(CO)
SRS (04/03/2021) 3P : 3C