



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD)No.720 of 2020

1. M.Sundari
2. Minor M.Dhurga
3. Minor M.Karthi
- [Minor Respondents 2 and 3 are represented through their mother first petitioner/guardian]
4. Angumanickam

... Petitioners / Appellants

Vs.

1. P.Viswanathan
2. The Divisional Manager,
M/s. National Insurance Company Limited,
Door No.3, North Veli Street,
Madurai.
(1st Respondent is given up, set exparte before Trial Court)

.... Respondents/ Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for records and modify the impugned award dated 08.02.2020 passed in the National Lok Adalat Award in the Lok Adalat organised by High Court Legal Services Committee, Madurai in the Civil Miscellaneous Appeal in C.M.A(MD)/SR.No.14158 of 2018 on the file of Hon'ble Madurai Bench of Madras High Court and hold that the petitioners/claimants are entitled to the compensation amount of Rs.11,25,000/- in the same proportion as held by the Motor Accident Claims Tribunal, Ramanthapuram (Principal District Court, Ramanathapuram) in M.C.O.P.No.94 of 2014.

For Petitioners : Mr.J.Barathan
for M/s.T.R.Jeyapalam

For Respondent : Mr.D.Sivaraman for R2



O R D E R

This Civil Revision Petition has been filed to call for records and modify the impugned award dated 08.02.2020, passed in the National Lok Adalat, High Court Legal Services Committee, Madurai in the Civil Miscellaneous Appeal in C.M.A(MD)/SR.No.14158 of 2018 and hold that the petitioners/claimants are entitled to the compensation amount of Rs.11,25,000/- in the same proportion as held by the Motor Accident Claims Tribunal, Ramanthapuram (Principal District Court, Ramanathapuram) in M.C.O.P.No.94 of 2014.

2. Today, when the matter is taken up for hearing, a joint compromise memo dated 06.10.2020 has been filed by the parties, by which, they came to an amicable settlement as follows:-

"a) The revision petitioners filed a claim petition in M.C.O.P.No.94 of 2014, on the file of the Motor Accident Claims Tribunal, Ramanathapuram (Principal District Court, Ramanathapuram) against the respondents for the death of the husband of the first petitioner, father of petitioners 2 and 3 and the son of the fourth petitioner, namely, Mathiyalagan.

b) The Tribunal passed the judgment and decree dated 12.05.2017, granting a compensation of Rs.8,48,250/- with interest at the rate of 7.5% from the date of institution of the claim petition till the date of deposit of the compensation. The Tribunal granted a sum of Rs.2,48,250/- to the first petitioner; a sum of Rs.2,50,000/- to the petitioners 2 and 3 each, and a sum of Rs.1,00,000/- to the fourth petitioner with interest and proportionate costs.

c) The second respondent filed a Civil Miscellaneous Appeal in C.M.A(MD) SR No.14158 of 2018 along with an application to condone delay in C.M.P(MD).No.9449 of 2019. The parties entered into a settlement in the National Lok Adalat organised by the High Court Legal Services Committee, Madurai and a National Lok Adalat Award was passed on 08.02.2020. The petitioners agreed to receive a sum of Rs.11,25,000/- in full quit including interest and costs. While drafting the award, it had been mistakenly mentioned that the claimants are entitled to the amount in equal proportion.

d) Now, the petitioners had filed the civil revision petition in C.R.P(MD).No.720 of 2020 before this Hon'ble Court to modify the impugned award dated 08.02.2020 passed in the National Lok Adalat Award in the Lok Adalat organized



by High Court Legal Services Committee, Madurai, in the Civil Miscellaneous Appeal in C.M.A(MD) SR No.14158 of 2018, on the file of Hon'ble Madurai Bench of Madras High Court and hold that the petitioners/claimants are entitled to the compensation amount of Rs.11,25,000/- in the same proportion as held by the Motor Accident Claims Tribunal, Ramanthapuram (Principal District Court, Ramanathapuram) in M.C.O.P.No.94 of 2014.

e) The petitioners/claimants and the second respondent/insurer hereby agree that the award dated 08.02.2020 may be modified and that it may be held that the petitioners/claimants are entitled to the compensation amount fixed by the Tribunal. The petitioners/claimants and the second respondent/insurer hereby agree that the first petitioner is entitled to Rs.3,29,244/-, the second petitioner is entitled to Rs.3,31,565/-, the third petitioner is entitled to Rs.3,31,565/- and the fourth petitioner is entitled to Rs.1,32,626/-."

3. The above compromise memo is filed before this Court and placed on record. The respective counsels have also present before this Court today (20.01.2021) and represented that the matter has been settled amicably between the parties. Learned Counsel for the second respondent would state that he has no objection for the above compromise.

4. In the result, this Civil Revision Petition is allowed in terms of the joint compromise memo dated 06.10.2020. The joint compromise memo shall form part and parcel of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Pkn

Encl: Xerox Copy of the Joint Memo.

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

1. The Motor Accident Claims Tribunal (Principal District Court),
Ramanathapuram

2. The Secretary,
High Court Legal Services Committee, Madurai

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-1518[F] dated 21/01/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-1459[F] dated 20/01/2021)

C.R.P(MD)No.720 of 2020

20.01.2021

MJ (CO)

NR (04/02/2021) 4P : 5C