



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.753 of 2021

and

CMP(MD)No.6885 of 2021

WEB COPY

Future General Total Insurance Solutions
Through its Manager, Regional Office,
Having Office at 3rd Floor, Sri Ram Centre,
P.P. Chavadi,
Theni Main Road-625 016,
Madurai District.

... Appellant

vs.

1)Tmt.K.Veeralakshimi

2)Tmt.Rajathi

3)P.Muthurakku

4)M.Muthupandi

5)Minor Sakthivel

(Minor is represented through its Mother/
Guardian Tmt.Veeralakshmi)

6)M.Haithar Ali

... Respondents

Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988, against the judgment and decree in MCOP.No.209 of 2018 dated 24.10.2019 on the file of Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Sivagangai.

For Appellant : Mr.D.Sivaraman

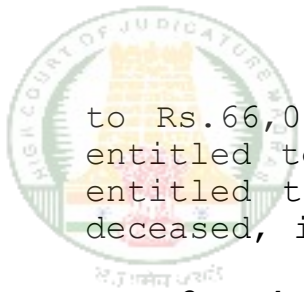
For Respondent : Mr.K.P.Ramesh

JUDGMENT

(Judgment of the Court was made by V. BHARATHIDASAN, J.)

Against the award passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Sivagangai, in MCOP.No.209 of 2018, dated 24.10.2019, the insurance company has filed this appeal.

2.Pending appeal, the parties have settled the dispute between themselves, and filed a joint memo. As per the settlement, the parties have agreed to settle the claim for Rs.1,65,00,000/-, in full quit, out of which, the 1st respondent/1st claimant is entitled



to Rs.66,00,000/-, the respondents 2 and 3/claimants 2 and 3 are entitled to Rs.14,00,000/- each, the 4th respondent/4th claimant is entitled to Rs.5,00,000/- and the 5th respondent/minor son of the deceased, is entitled to get Rs.66,00,000/-.

3.Today, a compromise memo has been filed before this Court and all the parties were present. All the claimants are present before the Court, today, we enquired all the claimants, they have stated that they are all agreed to receive the amount as per the settlement.

4.Considering the fact that the issue has been settled, this Civil Miscellaneous Appeal is dismissed in terms of the compromise entered into between the parties. The memo of compromise shall form part of the decree. The appellant has already deposited a sum of Rs.25,000/- to the credit of the claim petition, therefore, the appellant is directed to deposit the balance amount of Rs.1,64,75,000/- to the credit of MCOP.No.209 of 2018 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Sivagangai, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the respondents 1 to 4 are permitted to withdraw their respective shares as per the settlement without filing any formal permission petition before the Tribunal. Sofaras the share of the minor 5th respondent is concerned, it shall be deposited in an interest bearing Fixed Deposit in a nationalised bank, initially for a period of three years, and it shall be renewed periodically, till the 5th respondent/minor attains majority. The 1st respondent/mother of the minor is permitted to withdraw the interest, once in three months directly from the bank. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Chief Judicial Magistrate
Motor Accidents Claims Tribunal,
Sivagangai.

WEB COPY

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-27555[F] dated 27/08/2021)

CMA(MD)No.753 of 2021

DATED : 26.08.2021

RK (30.09.2021) 3P 3C