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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.NO.3570 OF 2021

Shri Ram General Insurance Co Ltd
No.66 Thirumalaipillai Road
T. Nagar
Chennai 600 017.

...Appellant/
2nd Respondent

Vs

1. R. Baby Shalini
2. R. Kamalesh (Minor)
3. R. Dharshini (Minor)
4. Vasanta

(R.R.2 and 3 are represented by their mother
and next friend R.Baby Shalini, first petitioner)

5. S.Sivaraman

...Respondents 1 to 4/Petitioners 1 to 4
5th Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 05.01.2019 made in M.C.O.P.No.4300 of 2014 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For appellant	...	Mr.K.Poomalai
For respondents 1 to 4	...	Mr.Terry Chellaya Raja
R5	...	Exparte



J U D G M E N T

(Judgment of the Court was made by K.KALYANASUNDARAM, J.,)

This Civil Miscellaneous Appeal arises out of the judgment and decree dated 05.01.2019 made in M.C.O.P.No.4300 of 2014 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2.It is stated by the learned counsel for the appellant that out of the claim of Rs.1 Crore, the Tribunal has awarded a sum of Rs.21,00,000/- together with interest at the rate of 7.5% p.a.,.

3.The learned counsel for the appellant would submit that the parties have settled the dispute, out of Court and the claimants have agreed for a sum of Rs.24 lakhs as full quit. A compromise memo signed by the appellant and the claimants with their respective counsels has been filed.

4.In the light of the above submission, this Civil Miscellaneous Appeal is disposed of in terms of the compromise memo dated 10.01.2022 and the same is recorded hereunder:-

"1)It is submit that all the parties are hereby willing to settle the case amicably for a sum of Rs.24,00,000/-in full quit. And the respondents/claimants 1-4 are accepting the settlement amount as well as ratio of the share of the respondents/petitioners apportioned by the Tribunal.

2)It is submit that the appellant Insurance Company Ltd has already been deposited the award amount with interest in the tribunal on 11.09.2020 itself and prayed this Hon'ble Court may permitted the withdraw excess award amount."

5.Out of the total compensation, the claimants 1 to 3/wife and minor children are entitled for Rs.7 lakhs each and the balance amount of Rs.3 lakhs shall be paid to the 4th claimant-Vasantha, mother of the deceased. Share of the minor children shall be deposited by the Tribunal in any Fixed Deposit Scheme in any one of the Nationalized Banks and it shall be renewed periodically, till they attain majority and the interest accrued



thereon shall be withdrawn by the 1st claimant/mother once in three months directly from the bank. If any excess amount is available in the credit of the claim petition, it shall be returned to the appellant/Insurance Company.

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*Xerox copy of Memo of compromise is enclosed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to M/s.M.Malar, Advocate, S.R.No.2447

+1cc to Mr.K.Poomalai*, Advocate, S.R.No.2793

C.M.A.No.3570 of 2021

AKII(CO)

PM/17/05/2022