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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

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

C.M.A.NO.3614 OF 2021

AND

C.M.P.NO.21219 OF 2021

Cholamandalam MS General Insurance Company Limited

No.2, 2nd Floor Dare House

N.S.C.Bose Road, Chennai-600 001. ...Appellant / 2nd Respondent

Vs.

1.Ramesh

S/o.Gurunathan

...1st Respondent / Petitioner

2.Arjunan

S/o.Murugesan

...2nd Respondent / 1st Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.607 of 2014 dated 09.11.2020 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Dharmapuri.

For Appellant : Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates

For Respondents : Mr.V.Sakarapani for R1
No appearance for R2

JUDGMENT

[Judgment of the Court was delivered by K.KALYANASUNDARAM, J.]

This Civil Miscellaneous Appeal has been filed challenging the Judgment and Decree made in M.C.O.P.No.607 of 2014 dated 09.11.2020 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Dharmapuri.

2.The learned counsel appearing for the appellant - Mr.M.B.Raghavan and the learned counsel for the 1strespondent/claimant Mr.V.Sakarapani, would state that the dispute between the parties has been amicably settled. They have filed Joint Memo for recording settlement dated 28.03.2022 and the same is reproduced hereunder:-



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"1)The Appeal has been filed by the appellant/2nd respondent insurance company. The above M.C.O.P has been filed claiming compensation for injury filed by respondent/petitioner accident date 17.10.2012 involving vehicle bearing No.TN-30-R-0979 insured with this appellant.

2)The Tribunal passed award dated 09.11.2020 for a sum of Rs.30,30,000/- along with interest, cost and advocate fees of Rs.37,300/-. Now the respondent/petitioner and the appellant have negotiated for settlement and arrived at sum of Rs.28,67,000/- (Rupees Twenty Eight Lakhs and Sixty Seven Thousand Only) in full quit.

3)The respondent/petitioner is willing to accept the sum of Rs.28,67,000/- (Rupees Twenty Eight Lakhs and Sixty Seven Thousand Only) has compensation in the full quit. The appellant have already deposited Rs.25,000/- towards statutory deposit and now the appellant is willing to deposit the balance said amount of Rs.28,42,000/- to the credit of the above M.C.O.P. within two weeks from the date of communication of the award passed on the basis of this joint memo."

3.In the light of the above Joint Memo for recording settlement, this Civil Miscellaneous Appeal stands disposed of, awarding a sum of Rs.28,67,000/- (Rupees Twenty Eight Lakhs and Sixty Seven Thousand Only) in full quit. The Joint Memo for recording settlement dated 28.03.2022 shall form part and parcel of the decree.

4.The appellant/Insurance Company is directed to deposit the amount of Rs.28,67,000/-, less the amount already deposited if any, within a period of two weeks from the date of receipt of a copy of this Judgment. On such deposit is being made, the 1st respondent/claimant is permitted to withdraw the amount, less the amount already withdrawn if any. No costs. Consequently connected miscellaneous petition, is closed.

Encl.: Xerox copy of Joint Memo for
Recording Settlement dt.28.03.2022

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

Jer



To

1.The Chief Judicial Magistrate /
Motor Accident Claims Tribunal,
Dharmapuri.

2.The Section Officer,
V.R.Section,
High Court of Madras.

+lcc to Mr.V.Sakkarapani, Advocate Sr.No.23742

C.M.A.No.3614 of 2021
and
C.M.P.No.21219 of 2021

AK-II (CO)
RVM(26/05/2022)