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C.M.A.No.3495 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE N.MALA

C.M.A.No.3495 of 2014
and M.P.No.1 of 2014 & C.M.P.No.3710 of 2022

National Insurance Company Limited,
Divisional Office,
LRN Complex, Omalur Main Road,
Salem-7.

... Appellant /
2nd respondent

Vs.

1. Poornachandra Rao
2. Padmaja

... Respondents /
Petitioners 1 & 2

3.Sithan

... Respondent /
1st Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 04.09.2013, in M.C.O.P.No.1256 of 2006 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Salem.

For Appellant : M/s.N.B.Surekha

For Respondents – 1 & 2 : Mr.C.Prabhakaran



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JUDGMENT

[Judgment of the Court was made by S.S.SUNDAR, J..]

The second respondent / National Insurance Company Limited is the appellant in the above appeal against whom directions were issued in the award of M.C.O.P.No.1256 of 2006 dated 04.09.2013.

2. It is stated that during the pendency of the appeal, the appellant as well as the claimants / respondents 1 and 2 have agreed to settle the claim for a sum of Rs.24,50,000/- along with 7.5% interest from the date of petition.

3. The parties who are signatories of the Joint Compromise Memo are present before this Court. The Joint Compromise Memo signed by the appellant and the respondents 1 and 2 in the presence of their respective counsels is filed before this Court.

4. As per the Memo of Compromise dated 12.10.2022, the terms of the Joint Compromise Memo are as follows:-



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“(i) The appellant had filed the appeal challenging liability as well as negligence as awarded by the Tribunal dated 04.09.2013. The Tribunal had awarded a sum of Rs.31,55,612/- along with 7.5% interest and cost in favour of the claimants.

(ii) During the pendency of the appeal, both the appellant and the respondents 1 and 2 who were the claimants agreed to settle the claim for a sum of Rs.24,50,000/- along with 7.5% interest from the date of petition to till the date of deposit and cost as full and final settlement.

(iii) The appellant reserves its right to claim recovery right from the insured, since the rider of the motor cycle insured with the appellant did not hold driving licence at the time of accident.”

5. Based on the understanding arrived at between the parties which has been reduced in writing in the Joint Compromise Memo, this Court is inclined to dispose of the appeal in terms of the Joint Compromise Memo signed by the parties and the same shall form part of record.



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6. Accordingly, this appeal stands **disposed of** in terms of the Joint
Compromise Memo. No costs. Consequently connected miscellaneous petitions
are closed.

[SSSRJ] [NMJ]

12.10.2022

cda

Index : Yes/No

Speaking/Non Speaking order



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To

The I Additional District Judge,
(Motor Accident Claims Tribunal),
Salem.



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S.S.SUNDAR, J.,

AND

N.MALA, J.,

cda

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12.10.2022