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C.M.A.No.3302 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.3302 of 2021
and C.M.P.No.18768 of 2021

The Oriental Insurance Co. Ltd.
Having Office at T.P.Hub
No.32/312, Vijayalakshmi Complex
13th street, Phase II
Sathuvachari, Vellore
Vellore District.

.. Appellant

Vs.

1.P.Saraswathi
2.P.Prakash
3.P.Prema
4.P.Premkumar
5.P.Manikandan
6.E.Karuppayi
7.T.Jayapal

.. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 09.08.2021 made in M.C.O.P.No.130 of 2020 on the file of the Motor Accident Claims Tribunal (II Additional District Court), Vellore @ Ranipet.

For Appellant : Mr.R.Sivakumar



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For R1 to R6 : Mr.M.Lokesh

R7 : Given up

J U D G M E N T

(Judgment of the Court was delivered by V.M.VELUMANI,J.)

The present appeal is filed challenging the award dated 09.08.2021 made in M.C.O.P.No.130 of 2020 on the file of the Motor Accident Claims Tribunal (II Additional District Court), Vellore @ Ranipet.

2.When the appeal is taken up for hearing, both the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondents 1 to 6 submitted that appellant and respondents 1 to 6 entered into compromise, arrived at settlement and filed joint memo of compromise dated 14.06.2022 duly signed by the Regional Manager of the appellant/Insurance Company and the respondents 1 to 6 and their respective counsel and prayed for passing of decree in terms of Joint Memo of Compromise. This Court by order dated 14.06.2022 directed the respondents 1 to 6 to appear before this Court. Today, the respondents 1, 3 to 6 appeared before this Court. The learned counsel appearing for the respondents 1 to 6 identified the respondents 1,



3 to 6 and submitted that 2nd respondent viz., P.Prakash, is suffering from fever and hence, he is not appearing before this Court today. The terms of the said joint memo of compromise is extracted hereunder:

“4.Now the both parties Claimants/Insurance Company are agreed to settle the matter amicably under the following terms:

- a) The respondents 1 to 6/claimants are agreed for a sum of Rs.21,20,000/- (Twenty One lakhs and Twenty two thousand only) as a full quit.
- b) The Appellant/Insurance Company has agreed to deposit the balance amount within three weeks from the date of order.
- c) On such deposit, the claimants are entitled to withdraw their respective shares as apportioned below;

The 1st Claimant/P.Saraswathi/wife entitle a sum of Rs.13,20,000/-.

The Claimants 2 to 5/Children/entitle a sum of Rs.1,50,000/- each.

The 6th Claimant/E.Karuppayi/Mother entitle a sum of Rs.2,00,000/-.”

3.The Joint Memo of Compromise dated 14.06.2022 is taken on file and the same is recorded. Recording the Joint Memo of Compromise and the submissions of the learned counsel appearing for the appellant as



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well as the respondents 1 to 6, this Civil Miscellaneous Appeal is disposed of. The Joint Memo of Compromise shall form part of the decree. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (S.S., J)
28.06.2022

Index : Yes / No

Internet : Yes / No

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To

1.II Additional District Judge
Motor Accident Claims Tribunal
Vellore @ Ranipet.

2.The Section Officer,
VR Section,
High Court,
Madras.



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