



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD)No.775 of 2021

and

C.M.P(MD)No.7115 of 2021

The Branch Manager,
M/s.Sriram General Insurance Company Limited,
30, Hak Road(Ground Floor),
Chinna Chokkikulam,
Near ICICI Bank,
Madurai -2.

:Appellant/Second respondent

.vs.

1.Swaminathan

2.Ramamoorthy

3.Annapoorani

: Respondents 1 to 3/Petitioners

2.J.Selvam

: 4th respondent/Ist Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree made in M.C.O.P.No.1637 of 2018, dated 16.2.2021, on the file of the Special District Judge/The Motor Accidents Claims Tribunal Authority(in-charge) of Madurai insofar as the quantum of compensation is concerned.

For Appellant

:Mr.V.Sakthivel

For Respondent-1

:Ms.J.Abirama Sundari

For Respondents
2 and 3

:Represented by Power of
Attorney of Respndent No.1

For Respondent-4

:No appearance

JUDGMENT

This Civil Miscellaneous Appeal is directed against the judgment and decree made in M.C.O.P.No.1637 of 2018, dated

<https://hcservices.ecourts.gov.in/hcservices/>



16.2.2021, on the file of the Special District Judge/The Motor Accidents Claims Tribunal Authority(in-charge) of Madurai insofar as the quantum of compensation is concerned.

2.A Joint Compromise Memo was filed by the appellant as well as the respondents 1 to 3. Registry has raised certain queries regarding the power of attorneys. I find that the Power of Attorneys given by the son and daughter of the first respondent, who are residing abroad, marked as Ex.P10 and Ex.P11 and hence, I find that the Joint Compromise memo may be received.

3.The Joint Compromise Memo was duly signed by the first respondent for himself and on behalf of respondents 2 and 3, who is the husband of the deceased wife and father of the respondents 2 and 3, who are the claim petitioners before the M.C.O.P Court, for the death of their mother. The first respondent's wife died in the accident. Both the appellant/Insurance Company and the claimants have agreed for a sum of Rs.20,00,000/- as full quit. As per the Joint Compromise Memo, already a sum of Rs.11,76,540/- is in the Court deposit and the remaining amount of Rs.8,23,460/- to be paid within a period of four weeks from the date of receipt o a copy of this order. In the interest of both the appellant and the respondents the Joint Compromise memo is recorded.

4.In view of the above, the Civil Miscellaneous Appeal is disposed of accordingly in terms of the Joint Compromise Memo.The Joint Compromise Memo shall form part and parcel of the decree. On such deposit being made by the appellant/Insurance Company as stated supra, the first respondent/first claimant is permitted to withdraw the entire award amount for himself and on behalf of respondents 2 and 3, who are the son and daughter of the first respondent, by filing necessary application before the Tribunal.No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn

Enclose copy of Joint Compromise memo.
To

1.The Special District Judge/The Motor Accidents Claims Tribunal
Authority(in-charge),
Madurai



2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-15588[F] dated 31/03/2022)

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and

C.M.P(MD)No.7115 of 2021

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RK(07/06/2022) 3P 5C