



C.M.A.No.1898 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

C.M.A.No.1898 of 2018

Kadar Sulaiman

... Appellant

vs.

1.Ramalingam

2.The New India Assurance Co. Ltd.,
No.45, 2nd Line Beach,
Moores Street,
Chennai-600 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 11.02.2013 in M.C.O.P.No.4430 of 2010 on the file of Motor Accident Claims Tribunal / XIX Additional Court / Chennai.

For Appellant : Mrs.Ramya V.Rao

For Respondents : Mrs.R.Sreevidhya [R2]

R1 – Exparte

JUDGMENT

Heard both sides.



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2. Learned counsel for both sides filed a Joint Memo of Compromise dated 15.03.2023. The Joint Memo of Compromise is taken on file and extracted as follows:

JOINT MEMO FOR RECORDING SETTLEMENT

1.The above appeal has been filed by the petitioner/claimant for enhancement of compensation.

2.The Tribunal passed an award for a sum of Rs.1,29,000/- along with interest & Costs as against the claim of Rs.4,00,000/-. The Tribunal Award has already been satisfied by the Insurance Company. During the pendency of the appeal now the appellant and the respondent have negotiated for settlement and arrived at a sum of Rs.1,00,000/- (One Lakh Only) in full quit over and above the award amount.

3.The petitioner is willing to accept the sum of Rs.1,00,000/- as compensation in full quit and the 2nd Respondent is willing to deposit the said amount to the credit of the above MCOP within four weeks from the date of communication of the award passed on the basis of this joint memo.

4. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass award for Rs.1,00,000/- in full quit in favour of the Petitioner, payable by the 2nd Respondent to the credit of the above MCOP within a period of four weeks from date of communication of the copy of the award and on such deposit the Tribunal shall transfer the entire compensation amount to the bank account of the appellant/claimant by way of RTGS/NEFT on proper identification, in accordance with the terms of award without insisting formal permission petition and thus render justice.



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3. As per Joint Memo of Compromise, it is settled for an amount of Rs.1,00,000/- in full quit in favour of the appellant/claimant.

4. In the result,

(i) this Civil Miscellaneous Appeal is disposed of. No costs.

(ii) The joint memo of compromise shall forms part of the judgment.

(iii) The 2nd respondent / Insurance Company is directed to deposit the compensation amount i.e., Rs.1,00,000/- in terms of Joint Compromise Memo, to the credit of M.C.O.P.No.4430 of 2010 on the file of Motor Accident Claims Tribunal / XIX Additional Court / Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment.

23.03.2023

Index : Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Motor Accident Claims Tribunal,
XIX Additional Court / Chennai.
Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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