



WEB COPY



C.M.A.No.3067 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3067 of 2013

K.Munuswamy

... Appellant

Vs.

1.V.Poosathurai

2.Bajaj Allianz General Insurance Co. Ltd.,
New No.209/1, Old No.209/3,
2nd Floor, M.T.H.Road,
Ambattur,
Chennai – 600 053.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decretal order dated 18.01.2013 in M.C.O.P.No.2376 of 2009 on the file of the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes, at Chennai.

For Appellant : M/s.Ramya V.Rao
For Respondents : R1 – No Appearance
Mr.T.K.Premkumar for R2

J U D G M E N T

This appeal has been filed by the appellant/ claimant seeking



C.M.A.No.3067 of 2013

enhancement of the compensation awarded by the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes, at Chennai in the order dated 18.01.2013 in M.C.O.P.No.2376 of 2009.

2.The appellant/ claimant had filed claim petition in M.C.O.P.No.2376 of 2009 before the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes, at Chennai claiming a sum of Rs.6 Lakhs for the injuries sustained by him and the Tribunal vide order dated 18.01.2013 awarded a sum of Rs.3,60,000/- along with interest at the rate of 7.5% per annum from the date of numbering of petition i.e., 07.08.2009 till the date of deposit as compensation. Aggrieved by the same, the claimant has preferred this appeal.

3.When the matter is taken up for consideration, the learned counsel appearing for the appellant as well as the learned counsel appearing for the second respondent Insurance Company, on instructions, submitted that during the pendency of this appeal, the matter was amicably settled inbetween the parties and the second respondent Insurance Company agreed to pay a sum of Rs.1,75,000/- in full quit as compensation to the appellant/ claimant and the appellant agreed to receive the same.



C.M.A.No.3067 of 2013

WEB COPY

4.In view of the above, the second respondent Insurance Company is directed to pay the modified amount of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand Only) in full quit, as compensation to the appellant/ claimant directly to the appellant/ claimant, within a period of six weeks from the date of receipt of a copy of this judgment.

5.The civil miscellaneous appeal is accordingly disposed of. No costs.

09.10.2023

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Motor Accidents Claims Tribunal,
VI Judge, Court of Small Causes, at Chennai.



WEB COPY



C.M.A.No.3067 of 2013

M.DHANDAPANI,J.
pri

C.M.A.No.3067 of 2013

09.10.2023