

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS JUSTICE R.KALAIMATHI

C.M.A.No.924 of 2022

Spartan Matriculation Hr. Sec. School,
No.570, Spartan International School,
CBSE, Kannadasan Street, Chembakkam,
Malayambakkam Village, Chennai -600 123.

...Appellant

Vs.

1.Poongothai

2.Pichalu

3.Padmakumari

4.M/s.Cholamandalam MS General Insurance Company Ltd.,
Hari Nivas Towers,
2nd Floor, No.163-A, Thambu Chetty Street,
Chennai – 600 001.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988, against the award dated 16.12.2021 made in MCOP.No.474 of 2018 passed by the Motor Accident Claims Tribunal, Chennai in the Court of II-Small Causes Court at Chennai.

For Appellant : Mr.N.Navaneethakrishnan
For Respondents : Mr.K.Varadhakamaraj for R1 to R3
Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates for R4

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appeal is by the owner of the vehicle challenging a portion of the award, which reserves liberty to the Insurance Company to recover the compensation paid by it to the claimants from the appellant.

2.The Insurance Company and the Insured have entered into a compromise whereby, the Insured has paid a sum of Rs.5,50,000/- by way of a Demand Draft to the Insurance Company which is accepted as payment in full quit of the claimant of the Insurance Company against the owner. The payment of Rs.5,50,000/- is in full and final settlement by claimants of the Insurance Company under the award including any enhancement made in C.M.A.No.434 of 2023.

3.It is also agreed that the appeal filed by the claimants seeking enhancement is to be dealt with separately and the same shall be defended by the Insurer. This Civil Miscellaneous Appeal is therefore, disposed of. The memo of compromise will form part of the decree. No costs.

(R.S.M.,J.) (R.K.M.,J.)
22.08.2023

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Internet:Yes

Index:No

Speaking

Nuetral Citation : No

To:-

The Motor Accident Claims Tribunal,
II-Court of Small Causes,
Chennai.

R.SUBRAMANIAN, J.

C.M.A.No.924 of 2022

and
R.KALAIMATHI, J.

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C.M.A.No.924 of 2022

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