



C.M.A.No.2030 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

**C.M.A.No.2030 of 2018**

V.Gopi

... Appellant

vs.

1.Kamalakannan

2.Reliance General Insurance Co. Ltd.,  
6<sup>th</sup> Floor, 6 Haddows Road,  
Nungambakkam, Chennai-34. ... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 12.02.2014 in M.C.O.P.No.2289 of 2011, on the file of the IV Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

For Appellant : Mrs.Ramya V.Rao

For Respondents : Mrs.S.Arun Kumar [R2]

**JUDGMENT**

Heard both sides.



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2. Learned counsel for both sides filed a Joint Memo of Compromise dated 20.03.2023. The Joint Memo of Compromise is taken on file and extracted as follows:

**JOINT MEMO FOR RECORDING SETTLEMENT**

1. *The Tribunal passed an award for a sum of Rs.1,16,150/- along with interest & Costs as against the claim of Rs.6,00,000/-. Not satisfied with the award the above appeal has been filed by the Appellant/Petitioner seeking enhancement of compensation.*

2. *During the pendency of the appeal the appellant and the 2<sup>nd</sup> respondent Insurance Company have negotiated for settlement and arrived at a sum of Rs.1,80,000/- (One Lakh Eighty Thousand only) in full quit over above and amount awarded.*

3. *The 2<sup>nd</sup> Respondent/Insurance Company is willing to deposit the sum of Rs.1,80,000/- in full quit 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 an award for Rs.1,80,000/- in full quit in favour of the Appellant/ Petitioner, on such deposit the Appellant/Petitioner shall withdraw the deposited amount, which is payable by the 2<sup>nd</sup> Respondent/Appellant to the credit of the above MCOP within a period of four weeks from the 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 Petitioner/Appellant by way of RTGS/NEFT on proper identification, in accordance with the terms of award without insisting formal permission*



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*petition and thus render justice.*

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3. As per Joint Memo of Compromise, it is settled for an amount of Rs.1,80,000/- in full quit in favour of the Appellant/Petitioner.

4. In the result,

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

(ii) The Joint Memo of Compromise shall form part of the judgment.

(iii) The 2<sup>nd</sup> respondent / Insurance Company is directed to deposit the compensation amount i.e., Rs.1,80,000/- in terms of Joint Compromise Memo, to the credit of M.C.O.P.No.2289 of 2011, on the file of the Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment.

06.04.2023

Index : Yes/No

Speaking / Non-speaking order

ssn

To:

1. The Motor Accident Claims Tribunal,  
IV Judge, Court of Small Causes,  
Chennai.



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2. The Section Officer,  
V.R.Section,  
High Court of Madras,  
Chennai.



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**R.KALAIMATHI, J.,**

ssn

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