



CMA.No.2153 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMA.No.2153 of 2021

B.Sankari (Minor)
Represented by her father and natural guardian
Boopalan,
No.10, P.V.Vaithiyalingam Road,
Malligar Nagar, Krishnapuram,
Jamin Pallavaram, Chennai - 600 043.
Appellant

..

Versus

1. K.Pitchaimani
2. Reliance General Insurance Co.Ltd.,
Reliance House, No.6, Haddows Road,
Nungambakkam, Chennai - 600 034.

.. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 18.01.2021 made in M.C.O.P.No.348 of 2016 on the file of the Motor Accident Claims Tribunal, V Court of Small Causes Court, Chennai.

For Appellant	:	Ms. Ramya V. Rao
For R2	:	Ms.Bhuvanasundari



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JUDGMENT

The present appeal is filed challenging the award dated 18.01.2021 made in M.C.O.P.No.348 of 2016 on the file of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai.

2. Today, when the matter was taken up for hearing, the learned counsel appearing on both sides submitted that the matter has been amicably settled between the parties. They have also filed a Joint Memo of Compromise dated 10.06.2023 signed by the natural guardian/father of the appellant, and the second respondent and their respective counsel, and prayed for passing of decree in terms of the Joint Memo of Compromise.

3. This Court perused the said Joint Memo of Compromise.

4. For better understanding, the terms of the said Joint Memo of Compromise read as follows:

"1. The above appeal has been filed by the appellant / petitioner claimant on Quantum.



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2. *The Tribunal passed an award for a sum of Rs.48,000/- along with interest & Costs as against the claim of Rs.6,00,000/- not satisfied with the award amount the injured / claimant preferred the above appeal. During the pendency of the appeal both the appellant and the second respondent Insurance Company have negotiated for settlement and arrived at a sum of Rs.1,25,000/- in full quit (One Lakh Twenty Five thousand Rupees only) over and above the tribunal award.*

3. *The second respondent/Insurance Company is willing to deposit the sum of Rs.1,25,000/- 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 Court may be pleased to record this Memo of Compromise and pass an award for Rs.1,25,000/- in full quit in favour of the appellant / petitioner, on such deposit the appellant / petitioner shall withdraw the deposited amount as per decree which is payable by the appellant 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 / petitioner by way of RTGS/NEFT on proper identification, in accordance with the terms of award without insisting formal permission petition and thus render justice."*

5. In pursuance of the Joint Memo of Compromise, this Court awards a sum of Rs.1,25,000/- (Rupees one lakh twenty five thousand only)



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in full quit, over and above the award passed by the Tribunal, to the claimant.

The second respondent / Insurance company is directed to deposit the said amount to the credit of M.C.O.P.No.348 of 2016 on the file of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this judgment. The victim being a minor, the Tribunal shall deposit the entire compensation amount in any one of the Nationalized Bank till she attains majority and her father is directed to withdraw the interest accrued once in six months, exclusively for the welfare of the minor as decreed by the Tribunal.

6. This Civil Miscellaneous Appeal stands disposed of, in the above terms. The Joint Memo of Compromise dated 10.06.2023 filed by the parties shall form part of the decree. No costs.

15.06.2023

Index:Yes/No
Internet: Yes/No
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To

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

2.The Section Officer,

<https://www.mhc.tn.gov.in/judis>



V.R.Section,
High Court, Madras.

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C.KUMARAPPAN, J.

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