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C.M.A.No.139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.139 of 2023

R.Rasambal, W/o.Rasu, Hindu aged 47 years,
Petitioners are permanently residing
at No.618, Kizhakku Street,
Nadukuppam Post, Kizhaku Mettukuppam,
Keezhiruppu Panruti Taluk,
Cuddalore District 607 103.

... Appellant

Vs.

1.A.Venkatakrishnan, S/o.Ashwatha Reddiar,
Sri Jayanthi Services, No.16, Kamaraj Salai,
Puducherry 607 013.

2.The Divisional Manager,
United India Insurance Co. Ltd.,
Third Party Service Hub, Plot No.35, 36 & 37
AR Plaza, 45 Feet Road, Balaji Nagar Extn.,
Saram, Puduchery 605011.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against

the Judgment and Decree in MCOP.No.166 of 2019 dated 30.03.2022 on the
file of the Motor Accident Claims Tribunal/Sub Court, Panruti.

For Appellant : Ms.Ramya V.Rao

For Respondents : Mr.D.Bhaskaran (for R2)



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JUDGMENT

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The Appeal has been filed against the Judgment and Decree made in MCOP.No.166 of 2019 dated 30.03.2022 on the file of the Motor Accident Claims Tribunal/Sub Court, Panruti.

2.When the matter is taken up today (27.01.2023), learned counsel appearing on both sides, submitted a joint memo for recording settlement, dated 04.01.2023, properly signed and counter signed by the parties and their respective counsels. The terms of settlement are as follows:

"1.The Tribunal passed an award for a sum of Rs.5,35,084/- along with interest & costs as against the claim of Rs.10,00,000/-. Now the Appellant and the 2nd Respondent Insurance Company have negotiated for settlement and arrived at a sum of Rs.1,30,000/- (Rupees one lakh and thirty thousand only) in full quit, over and above the Tribunal award.

2.The 2nd Respondent/Insurance Company is willing to deposit the sum of Rs.1,30,000/- without interest 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.

3.The Appellant/Petitioner shall withdraw the deposited amount as per decree which is payable to the Appellant in credit of the above MCOP within a period of four weeks from the date of



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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 any formal permission petition."

3.In view of the above said submission of the learned counsel on both sides the compensation fixed by the Tribunal at Rs.5,35,084/- has been enhanced with additional amount of Rs.1,30,000/- as full quit. The joint compromise memo dated 04.01.2023 filed by the learned counsel on both sides is recorded.

4.Accordingly, the Civil Miscellaneous Appeal is partly allowed in terms of the joint compromise memo dated 04.01.2023. The joint memo dated 04.01.2023 shall form part of the Decree. No costs.

27.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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To
The Sub Judge,
Sub Court,
Panruti

C.M.A.No.139 of 2023

Dated: 27.01.2023