



C.M.A.(MD).No.1235 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.1235 of 2016

and

C.M.P(MD) No.10665 of 2016

1. Sellakamatchi
2. Saravanakumar

..... Appellants/ Respondents

-vs-

Banumathi

... Respondent / Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.24 of 2013, dated 12.01.2016, on the file of the Motor Accidents Claims Tribunal/ Chief Judicial Magistrate, Sivagangai.

For Appellants : Mr.N.Tamilmani

For Respondent : Mr.D.Rameshkumar

J U D G M E N T

The present appeal has been filed by the owner and the driver of the offending vehicle challenging the award of the Motor Accident Claims



C.M.A.(MD).No.1235 of 2016

WEB COPY

Tribunal, Chief Judicial Magistrate, Sivagangai, in M.C.O.P.No.24 of 2013.

The Tribunal has directed the owner and driver to pay a sum of Rs.3,75,000/- (Rupees Three Lakhs Seventy Five Thousand only) with interest at the rate of 7.5% per annum from the date of filing of the claim petition.

2. Pending the appeal, the appellants and the respondent have entered into a compromise and a Compromise Memo has been filed, which is signed by both the parties and their respective counsels. As per the said Compromise Memo, the claimant had agreed to accept a sum of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) towards full and final settlement of the satisfaction of the award of the Motor Accidents Claims Tribunal.

3. The claimant was present before this Court on 10.04.2023 and she had agreed for the said compromise.

4. In view of the above said compromise, this Court passes the following the order:

(i) The claimant has received a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) by way of Demand Draft from the owner and



C.M.A.(MD).No.1235 of 2016

driver of the offending vehicle towards full and final settlement of the award of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Sivagangai, in M.C.O.P.No.24 of 2013, order dated 12.01.2016.

(ii) The claimant shall not have any further right to execute the award in M.C.O.P.No.24 of 2013, on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Sivagangai.

(iii) The Compromise Memo shall form part of the record. The Tribunal shall permit the appellants to withdraw the statutory deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) from the Tribunal.

5. Accordingly, this Civil Miscellaneous Appeal stands disposed off in terms of compromise. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

17.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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C.M.A.(MD).No.1235 of 2016

To

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1. The Motor Accident Claim Tribunal,
Chief Judicial Magistrate,
Sivagangai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD).No.1235 of 2016

R.VIJAYAKUMAR,J.

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C.M.A.(MD)No.1235 of 2016

17.04.2023