



C.M.A(MD)No.1218 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.01.2023

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THE HONOURABLE MRS.JUSTICE N.MALA

C.M.A(MD)No.1218 of 2022

and

CMP(MD)No.12454 of 2022

The Divisional Manager,
National Insurance Co.Ltd.,
Vadamadurai Business Centre,
8-1-62, D5, KKS Complex, Canara Bank Upstairs,
Railway Station Road,
Vadamadurai,
Dindigul District.

... Appellant/2nd Respondent.

Vs

1.Pandidurai

2.Sumathi

... Respondents/Petitioners

3.Oorkalan

... 3rd Respondent/1st Respondent

PRAYER :-

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, to set aside the judgment and decree passed by the Motor Accidents Claims Tribunal cum Principal District Judge, Dindigul, in M.C.O.P.No.946 of 2018 dated 22.10.2021 and allow this appeal.

For Appellant : Mr.R.Rajamani

For R1 & R2 : Mr.T.Vadivelan



JUDGMENT

This petition is filed to set aside the judgment and decree passed by the Motor Accidents Claims Tribunal cum Principal District Judge, Dindigul, in M.C.O.P.No.946 of 2018 dated 22.10.2021.

2.At the request of the learned counsels, this Court by the order dated 20.12.2023, referred the matter to mediation.

3.The learned counsel for the appellant submits that the settlement has been arrived at between the parties before the mediation. The terms of settlement are as follows:-

“1.....

A. It is agreed that the Appellant Insurance Company shall pay Rs.10,50,000/- (Rupees Ten Lakhs Fifty Thousand Only) as full quit.

B.The Respondents 1 and 2 shall withdraw the amount lying in the deposit of M.C.O.P.No.946 of 2018 on the file of the District Judge, Dindigul, as per the Proportional share. The appellant is entitled to withdraw the excess amount deposit by them before the tribunal in M.C.O.P.No.946 of 2018. It is agreed the appellant is entitled to refund of the Court fee paid by them.

7.By signing this Agreement the parties hereto state that they have no further claims or demands against each



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other with respect to CMA(MD)1218/2022 (Case No) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Mediation.”

4.The same is recorded and the appeal is disposed of in view of the terms of the settlement stated above. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

27.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.MALA, J

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To

- 1.The Motor Accidents Claims Tribunal cum Principal District Judge,
Dindigul,
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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