



W.A.No.164 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s. IFFCO-TOKIO General Insurance

Company Limited

ITGI – Chennai Commercial

IFFCO Bhawan

No.128, Habibullah Road

T.Nagar, Chennai 600 017.

.. Appellant

Vs.

1. K.Kalavathi
2. K.Morrish Kumar (Minor)
3. K.Prajeeth (Minor)

[R2 & R3 rep. by their mother
and natural guardian K.Kalaivani]

4. K.Madhanagopal
5. M.Saroja

6. Union of India
Rep. by Secretary to Government
Ministry of Finance
Department of Financial Services (Insurance Division)
Jeevan Deep Building, Parliament Street
New Delhi 110 001.



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7. K.Vasudevan

8. M/s. Sathuva Hitec Private Ltd.
Sathva CSF Company
No.126-A Ponneri High Road
Chennai 600 103.

9. The Managing Director
M/s. A.S.Doraisamy & Sons
II Floor, 247, Thambu Chetty Street
Chennai 600 001.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 06.10.2021.

For the Appellant : Mr.J.Michael Visuvasam

For the Respondents : Mr.Arvind P.Datar
Senior Counsel
For Mr.S.Ayyathurai
for Respondents 1 to 3 & 5

Mr.R.Amizhdhu
for Respondent-8

Not ready in notice
for Respondents 4 & 6

Died – Respondent-7

No appearance
for Respondent-9



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.J.Michael Visuvasam, learned counsel for the petitioner, Mr.Arvind P.Datar, learned Senior Counsel for Mr.S.Ayyathurai, learned counsel for the respondents 1 to 3 and 5 and Mr.R.Amizhdhu, learned counsel for the eighth respondent.

2. We had heard learned counsel for the appellant and learned counsel for the respondents on the last date.

3. Considering the factual matrix of the matter and the plight of the respondents 1 to 5/writ petitioners, we had asked learned counsel for the appellant as to whether the appellant would pay Rs.10 lakh (Rupees ten lakh only) to the respondents 1 to 5 towards the full and final settlement. Time was sought by learned counsel for the appellant to seek instructions.

4. Learned counsel for the appellant submits that considering



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the facts involved in the present case, the appellant would not contest on the merits of the matter and is ready to pay Rs.10 lakh (Rupees ten lakh only) to the respondents 1 to 5.

5. In the light of the above, we pass the following order and the same would substitute the order passed by the learned Single Judge:

(i) The appellant shall pay Rs.10 lakh (Rupees ten lakh only) to the respondents 1 to 5 within two weeks from today;

(ii) The payment of Rs.10 lakh (Rupees ten lakh only) by the appellant to the respondents 1 to 5 shall be towards the full and final settlement of the claim of the respondents 1 to 5; and

(iii) The amount shall be deposited and kept in fixed deposit in the same ratio as directed by the learned Single Judge.



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6. The writ appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.1102 and 15247 of 2022 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.02.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

The Secretary to Government
Union of India
Ministry of Finance
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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