



C.M.A. No. 2356 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

C.M.A. No. 2356 of 2021 and
C.M.P.No.13252 of 2021

The Iffco Tokio General Insurance Company Limited
Divisional Branch,
Office at No.360-A, 1st Floor,
Amman Complexm Katpadi Main Road,
Virudhampet, Vellore – 632 002. ... Appellant/2nd Respondent
Vs.

1. Tamizhselvi, W/o. Late.Ravi
2. Kaviyarasu ... Respondents 1 & 2/Petitioners
3. Nabisa Banu ... 3rd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and Decree made in M.C.O.P.No.8 of 2019, dated 10.12.2020, on the file of the Motor Accidents Claims Tribunal, In the court of II Additional District Judge, Vellore @ Ranipet.

For Appellant : M/s. M.B.Gopalan Associates
For R1 & R2 : M/s.N.S.Amarnath
For R3 : Mr.M.Vignesh



JUDGMENT

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When the matter came up for hearing, the learned counsels for both the side had filed a Joint Memo of compromise indicating that, out of Court settlement had been arrived between them. It is stated that the claimant has agreed to receive Rs.19,88,150/- (Rupees Nineteen lakhs eighty eight thousand one hundred and fifty only) with proportionate Interest and Cost awarded by the Tribunal.

2. The learned Counsel for the Insurance Company stated that the entire award amount of Rs.25,01,187/- (Rupees Twenty five lakhs one thousand one hundred and eighty seven only) including interest and cost have been deposited before the tribunal, out of which the Claimant has agreed to receive Rs.19,88,150/- with proportionate interest, if any awarded and cost as one quit and the balance shall be refunded to the Insurance company with proportionate interest, if any. The copy of Joint memo filed herein is scanned below.



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(APPELLATE JURISDICTION)**

C.M.A. No. 2356 of 2021

Against

M.C.O.P. No. 8 of 2019

**(On the file of Motor Accidents Claims Tribunal,
in the Court of II Additional District Judge, Vellore & Ranipet)**

The Hiko Tokio General Insurance Company Limited,
Divisional Branch,
Office at No 363-A, 1st Floor,
Ammann Complex, Kattalai Main Road,
Vandharipet, Vellore 632 002.

... Appellant/2nd Respondent

-Vs-

1. Thamaraiselvi, W/o. Tama. Ravi.

Thamaraiselvan (died)

2. Kaviyarasu, S/o. Thamaraiselvi,
All are residing at
No.21, Mallikapuram, Marthandagal Varan,
Marthandagal - 632 404, Vellore District.

... Respondents 1 & 2/Petitioners

3. Najiba Bano, W/o. Pravarumdeen,
No.15/A, Dr. Jakkob Hussain Street,
Ranipet - 632 401, Vellore District.

... 3rd Respondent/1st Respondent

**JOINT MEMO OF COMPROMISE FILED BY APPELLANT AND RESPONDENTS
1 & 2**

1. The above appeal has been filed challenging award of Rs.20,38,150/- with interest and costs in MCOP No. 8 of 2019 filed by Respondents 1 & 2 on the file of MACT Vellore & Ranipet.
2. The Appellant has already deposited Rs.25,01,187/- being the entire award amount with interest and cost (Rs.25,000/- plus Rs.24,76,187/-) pending above appeal.
3. Now it is agreed between the Appellant and the Respondents 1 & 2/Chairman that in lieu of the award passed by the Tribunal, the 1st & 2nd Respondent shall be entitled to a sum of Rs.19,88,150/- with proportionate interest and the amount of cost awarded by the Tribunal.



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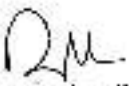
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3. The Appellant shall be entitled to refund of Rs.50,000/- with proportionate interest from and out of the amount in deposit.

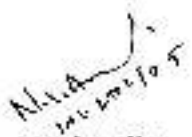
4. The parties shall bear their costs in the appeal.

5. Since 3rd Respondent remained ex parte before Tribunal and the Appellant is satisfying the claim on his behalf, notice may be dispensed with to the 3rd Respondent.

Date of Decree on this the _____ day of January, 2024


Counsel for Appellant

Appellant


Counsel for 1st & 2nd Respondent

1st & 2nd Respondent



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09.01.2024

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Index:Yes/No

Speaking Order:Yes/No

Neutral Citation Case: Yes/No

To

1. Tamizhselvi, W/o. Late.Ravi

2. Kaviyarasu

3. Nabisa Banu



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C.M.A. No. 2356 of 2021

K. RAJASEKAR, J.

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