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C.M.A.No.2892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 23.10.2024**

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

**C.M.A.No.2892 of 2024  
and  
C.M.P.No.24017 of 2024**

Reliance General Insurance Co.Ltd.,  
represented by its Area Manager (Legal)  
Claims Department, 6th Floor,  
No.6, Haddows Road, Nungambakkam,  
Chennai - 34.

..Appellant

Vs.

1. Nilaoli,  
W/o V.Murali

2. V.Murali,  
S/o Varadhan

3. C.Murugesan,  
S/o Chinnathambi

..Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the  
Motor Vehicles Act against the judgment and decree dated 25.10.2021  
made in M.C.O.P.No.1409 of 2017 on the file of Motor Accidents Claim



C.M.A.No.2892 of 2024

Tribunal, Chenna (II Court of Small Causes, Chennai).

For Appellant : Mr.R.Sunilkumar

For Respondent : Mr.C.Prabakaran

### **J U D G M E N T**

(The order of the Court was made by Mrs.J.Nisha Banu,J.)

This Civil Miscellaneous Appeal has been filed by the appellant/Insurance Company to set aside the judgment and decree dated 25.10.2021 in MCOP.No.1409 of 2017 on the file of Motor Accident Claims Tribunal, Chennai (II Court of Small Causes, Chennai).

2. Today, when the matter is taken up for hearing, learned counsel for the appellant as well as the learned counsel for the respondents would state that pending the appeal, the appellant and the respondents settled the issue among themselves and they have filed a joint memo of compromise dated 14.10.2024 duly signed by the parties and their respective counsel. Learned counsel appearing on either side would also state that the Civil Miscellaneous Appeal may be disposed of in terms of memorandum of compromise.

3. The joint memo of settlement dated 14.10.2024 is extracted hereunder:



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**JOINT MEMO FOR RECORDING SETTLEMENT**

- 1. The appeal has been filed by the appellant/2nd respondent insurance company. The above MCOP has been filed claiming compensation for death of Mr.M.Boobesh Kumar in accident on 23.12.2016 involving vehicle bearing No.TN-12-P-7011 insured with this appellant.*
- 2. The tribunal passed award dated 25.10.2021 for sum of Rs.23,38,000/- along with interest & costs. Now the 1st respondent/claimant and the appellant have negotiated for settlement and arrived at a sum of Rs.30,00,000/- (Thirty Lakhs only) in full quit.*
- 3. The 1st and 2nd respondents/claimants is willing to accept the sum of Rs.30,00,000/- as compensation in the full quit. The appellant already deposited Rs.25,000/- towards statutory deposit and now the appellant is willing to deposit the balance said amount for Rs.29,75,000/- to the credit of the above MCOP within 8 weeks form the date of receipt of the award passed on the basis of this joint memo. On such deposit being made, the 1st respondent/claimant is permitted to withdraw the entire settlement amount after filing proper*



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*petition for withdrawal. The court fee paid in the appeal may be refunded to the appellant/ Insurance Company.*

*4. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass award for Rs.30,00,000/- in favour of the 1st respondent/claimant payable by the appellant/ Insurance Company to the credit of the above MCOP within a period of eight weeks from the date of receipt of the copy of the award and render justice.*

4. The above joint memo of settlement is recorded. Since both parties agreed for a sum of Rs.30,00,000/- in full quit (inclusive of interest) over and above the amount awarded by the Tribunal, the award amount passed by the Tribunal is modified to that effect. The appellant/Insurance Company shall deposit the amount Rs.30,00,000/- to the credit of the above MCOP, as per the memo of compromise, less the amount, if any, already deposited within a period of eight weeks from the date of receipt of a copy of the award. On such deposit, 1<sup>st</sup> respondent/ claimant is entitled to withdraw the same. The joint memo of settlement dated 14.10.2024 shall form part of the decree. Consequently,



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connected miscellaneous petition is closed. Since the matter is settled out of Court, Registry is directed to refund the court fee as per Rules. No costs.

Index : Yes / No  
Internet : Yes  
vsi

(J.N.B,J.) (R.K.M., J.)  
23.10.2024

To

The Motor Accidents Claim Tribunal, Chennai  
(II Court of Small Causes, Chennai)



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**J. NISHA BANU, J.**  
**and**  
**R.KALAIMATHI, J.**

vsi

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**23.10.2024**