



C.M.A.No.3704 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3704 of 2021

K.Hemalatha

... Appellant / Petitioner

Vs.

1.S.Manikandan
S/o.K.K.Sathiyarayanan

2.Reliance General Insurance Company Limited,
Reliance House, No.6, Haddows Road,
Nungambakkam,
Chennai-600 034.

... Respondents / Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 13.08.2021 made in M.C.O.P.No.7513/2015 on the file of the Motor Accident Claims Tribunal/Special Sub Court II, Small Causes Court, Chennai.



C.M.A.No.3704 of 2021

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For Appellant : Ms.Ramya V.Rao

For Respondents : R1-No representation
Mr.P.Suresh Srinivasan
for R2

J U D G M E N T

The appellant / claimant, not being satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal/Special Sub Court No.2, Small Causes Court, Chennai, in M.C.O.P.No.7513 of 2015, dated 13.08.2021, has filed this appeal.

2. On 02.05.2015 at about 08.45 hrs, when the claimant was proceeding towards north to south direction at ICG, M.T.II Road, ICF Signal, a car belonging to the first respondent came from the opposite direction was driven by its driver in a rash and negligent manner and hit the claimant's vehicle. As a result, the claimant sustained grievous injuries all over the body. It is under these circumstances, the claim petition came to be



C.M.A.No.3704 of 2021

filed before the Tribunal seeking for compensation.

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3. Before the Tribunal, on the side of the claimant, the claimant herself was examined as P.W.1 and Exs.P1 to P14 were marked. On the side of the respondent No.2, R.W.1 was examined and Exs.R1 to R3 were marked. The Disability Certificate issued by the Medical Board was marked as Ex.C1. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the car. Having reached such a finding, the Tribunal proceeded to fix the total compensation at Rs.1,99,970/- under various heads. The above compensation was directed to be paid by the second respondent along with interest at 7.5% p.a.

4. The claimant, not being satisfied with the quantum of compensation awarded by the Tribunal, has filed this appeal seeking compensation.



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C.M.A.No.3704 of 2021

5. Pending the appeal, the parties have arrived at a settlement and a Joint Memo For Recording Settlement dated 21.12.2024 signed by both parties and their respective counsel, has been filed. The terms of settlement are extracted hereunder:

- " 1. The above appeal has been filed by the appellant/claimant seeking enhancement of compensation. The appellant had filed the above MCOP claiming compensation for the injuries sustained by him in an accident which took place on 02.05.2015 involving 1st respondent's vehicle insured with the 2nd respondent.
2. The tribunal passed an award dated 13.08.2021 for a sum of Rs.1,99,970/- with interest at 7.5% and cost. The Insurance Company has deposited the amount awarded by the Tribunal with interest and cost.
3. In the appeal, after Negotiation between both parties, the 2nd respondent Insurance Company is ready to settle the above appeal by accepting to enhance the compensation by Rs.1,00,000/- inclusive of interest as full quit over and above the Tribunal award amount.
4. The appellant/Petitioner has already withdrawn the amount deposited by the Insurance Company. Now she is ready and willing to accept Rs.1,00,000/- in full quit over and above the Tribunal award amount.



WEB COPY



C.M.A.No.3704 of 2021

5. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass an award for a sum of Rs.1,00,000/- in favour of the Appellant/petitioner, Hemalatha, payable by the Respondent to the credit of the above M.C.O.P.No.7513 of 2015 (on the file of the Motor Accidents Claims Tribunal/(Special Sub Court II, Small Causes Court, Chennai) within a period of four weeks, on such deposit, the appellant/claimant is permitted to withdraw the said amount without filing any formal petition, and thus render justice.

The Civil Miscellaneous Appeal is disposed of in terms of Joint Memo for Recording Settlement dated 21.12.2024 and the same shall form part of the judgment. No costs.

21.12.2024

(1/5)

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

Note: Issue order copy on **06.01.2025**



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C.M.A.No.3704 of 2021

To

- 1.The Motor Accident Claims Tribunal,
Special Sub Court II, Small Causes Court, Chennai.
- 2.The Section Officer,
V.R. Section,
High Court, Chennai.



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C.M.A.No.3704 of 2021

M.DHANDAPANI, J.

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C.M.A.No.3704 of 2021

**21.12.2024
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