



C.M.A.No.2456 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.2456 of 2017

And

C.M.P.No.13333 of 2017

M/s.Reliance General Insurance Co. Ltd.,
Heavithree Unit I 3rd Floor,
No.23, Spur Tank Road,
Chetpet,
Chennai.

... Appellant

Vs.

A.Ravi (Died)
1.R.Vijaya
2.R.Balamurugan
3.R.Elaiyaraja
4.R.Senthilkumar
5.Annapoorani
6.A.Vijayaraj
7.G.Thimmaiah

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 22.06.2016 made in M.C.O.P.No.2764 of 2007 on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Cuddalore.



C.M.A.No.2456 of 2017

For Appellant : Mr.S.Arun Kumar
For Respondents : Mrs.Ramya V.Rao for R1 to R5
R6 – NRN
R7 – No Appearance

J U D G M E N T

This appeal has been filed seeking to to set aside the award and decree dated 22.06.2016 made in M.C.O.P.No.2764 of 2007 on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Cuddalore.

2.The learned counsel appearing for the appellant submitted that during the pendency of this appeal, the matter was compromised inbetween the parties and further submitted that the fifth respondent died on 23.05.2022. To that effect, the learned counsel filed Joint Memo for Recording Settlement dated 12.11.2024, signed by the appellant, respondents 1 to 4/ claimants, learned counsel for appellant and learned counsel for claimants.

3.The Joint Memo for Recording Settlement filed by the parties, dated 12.11.2024, is extracted hereunder:

" JOINT MEMO FOR RECORDING



C.M.A.No.2456 of 2017

SETTLEMENT

1.The above appeal has been filed by the Appellant/Insurance company on quantum. The claim petition was originally filed for the injuries sustained by Ravi, who during the pendency of the OP died and later his legal heirs were impleaded as petitioners 2 to 6. In appeal they are respondents 1 to 5.

2.The Tribunal passed an award dated 22.06.2016 for a sum of Rs.10,00,000/- with interest at 7.5% and cost. The Insurance Company aggrieved by the tribunal order has filed the above appeal.

3.In the appeal, after Negotiation between both parties, the Appellant Insurance Company and the claimants are ready to settle the above appeal by following manner. Both parties are ready and willing to accept modification of the award to Rs.4,50,000/- in full quit. The insurance company as initially deposited Rs.25,000/- at the time of filing the appeal and deposited Rs.5,00,000/- by order of this Court. Now the same is invested in the Bank. Out of the deposited sum of Rs.5,25,000/- the claimants are entitled to withdraw Rs.4,50,000/- with accrued



C.M.A.No.2456 of 2017

proportionate interest and the Appellant Insurance company shall withdraw Balance Rs.75,000/- with accrued proportionate interest.

4.The 5th respondent Annapoorani mother of the deceased died on 23.05.2022 and a memo has been filed to record the death. Respondents 1 to 4 / petitioners 2 to 5 are ready and willing to accept the settlement of the above case for a sum of Rs.4,50,000/- with proportionate interest from the date of deposit till date of filing petition for withdrawal.

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.4,50,000/- in favour of the respondents 1 to 4/ Petitioners 2 to 5, payable by the appellant to the credit of the above M.C.O.P.No.2764 of 2007 (On the file of the Motor Accidents Claims Tribunal/ Principal Sub Judge, Cuddalore) within a period of four weeks, on such deposit the respondents 1 to 4 / petitioners 2 to 5 are permitted to withdraw the amount.



C.M.A.No.2456 of 2017

6.The claimants further agree for apportionment of award in the following manner, R.Vijaya wife of the deceased is entitled to Rs.3,00,000/- with accrued proportionate interest R.Balamurugan is entitled to Rs.50,000/- with accrued proportionate interest and R.Elaiyaraja is entitled to Rs.50,000/- with accrued proportionate interest and Senthilkumar is entitled to Rs.50,000/- with accrued proportionate interest. The Appellant Insurance Company shall withdraw Rs.75,000/- with accrued proportionate interest.

7.The claimants are also further permitted to withdraw the said amount by directly filing payment out petition and thus render justice.”

4.The Joint Memo for Recording Settlement filed by the parties, dated 12.11.2024, shall form part and parcel of the Judgment. The Hon'ble Apex Court in the decision reported in **(2021) 3 SCC 560 [High Court of Judicature at Madras Represented by its Registrar General Vs. M.C.Subramaniam and others]**, held that the benefit of Section 69-A of the 1955 Act shall also extend to all



C.M.A.No.2456 of 2017

methods of out-of-Court dispute settlement between parties that the Court subsequently finds to have been legally arrived at. In the present case, since private settlement was arrived at between the

M.DHANDAPANI,J.
pri

parties, this Court, applying the ratio laid down in the decision of the Hon'ble Apex Court reported in **(2021) 3 SCC 560 [High Court of Judicature at Madras Represented by its Registrar General Vs. M.C.Subramaniam and others]**, holds that the appellant is entitled to refund of full Court Fee.

5.The civil miscellaneous appeal is disposed of in terms of the Joint Memo for recording settlement. No costs. Consequently, the connected miscellaneous petition is closed.

13.11.2024

pri
Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.Motor Accidents Claims Tribunal,
Principal Sub Judge, Cuddalore.

6/6



WEB COPY



C.M.A.No.2456 of 2017

**C.M.A.No.2456 of 2017
And
C.M.P.No.13333 of 2017**