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W.P.No.33930 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.33930 of 2022

M.Prabakaran

.. Petitioner

VS

1.The Additional General Manager,
Southern Railway, Chennai – 600 003.

2.The Senior Divisional Commercial Manager,
Southern Railway Chennai Division,
Chennai - 600 003.

3.Mrs.Sowrinayagi

4.Mitta Lal Jewellers
Paper Mills Road,
Opp. Demaris Super Market,
Neelam Garden, Perambur,
Chennai – 600 011.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to pay compensation of Rs.25,00,000/- to petitioner for the accident taken place on 12.07.2022 in view the hoarding / advertising board placed by respondents 3 and 4 in the premises of respondents 1 and 2.

For Petitioner : Mr.R.Dhanasekar

For Respondents : Mr.Thomas T.Jacob
for R4
No appearance for R1, R2
Mr.M.Govindaraju for R3
Mr.M.K.Kabir, Arbitrator



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ORDER

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Mr.Kabir, learned Mediator, files final report dated 05.03.2024

which reads as follows:-

"1. This Hon'ble Court by order dated 08.09.2023 passed in the above Writ Petition, appointed the Mediator to mediate in respect to the compensation amount payable to the Petitioner due to the injuries suffered by him, when he was passing through Perambur Loco Bridge, when the advertisement board placed by the 3rd respondent on behalf of the 4th respondent, with the permission of the 2nd respondent was dislodged and fell on his head resulting in grave injury to the petitioner.

2. The Petitioner had instituted the above Writ Petition praying for damages of Rs.25,00,000/- as he was literally paralyzed owing to an injury caused to his neck. During the mediation, the 2nd respondent by Letter dated 03.01.2024 informed the Mediator that they cannot entertain the proposal for payment of any compensation as there is no provision to pay the same and requested the Mediator to negotiate the compensation with other parties.

3. The Respondents 3 & 4 agreed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) in full & final settlement of the claim made by the Petitioner. The Petitioner agreed to receive the said sum in full quits and in furtherance to the same, the 4th respondent paid a sum of Rs.2,50,000/- through cheque being his contribution towards the compensation amount in full quits. The Petitioner received the same in part payment of the compensation amount payable by the 3rd & 4th respondents and accepted the said sum of Rs.2,50,000/- (Rupees two lakhs fifty thousand only) paid by the 4th respondent in full & final settlement as against the 4th respondent.



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4. The 3rd Respondent agreed to pay the balance amount of Rs.12,50,000/- (Rupees twelve lakhs fifty thousand) in full quits of the claim against her. On 20.02.2024, the 3rd Respondent and Ms.R.Deepika, against whom and FIR was pending in Cr.No.306 of 2022 on the file of the Inspector of Police, Pervallur, Chennai, submitted a representation that they would pay a sum of Rs.5,00,000/- immediately and the balance sum of Rs.7,50,000/- will be paid on the quashing of the FIR. Accordingly, the sum of Rs.5,00,000/- was handed over to the Petitioner by Demand Draft dated 17.02.2024 bearing No.541580 drawn on the Tamil Nadu Mercantile Bank, Ponneri Branch. The Demand Draft for Rs.7,50,000/- dated 17.02.2024 bearing No.541585 drawn on the said bank was retained till the FIR was to be quashed.

5. Thereafter, they filed Crl.O.P.No.5226 of 2024 before the Hon'ble Court for quashing the FIR and this Hon'ble Court by order dated 04.03.2024 quashed the FIR as against the 3rd Respondent and Ms.R.Deepika on the Petitioner receiving the balance amount of Rs.7,50,000/- and consenting through Affidavit for the FIR to be quashed. The Petitioner has informed the Mediator that the said amount has also been encashed to the credit of his bank account. Thus, the entire compensation amount agreed to be paid by the 3rd & 4th respondents have been paid to the Petitioner and the Petitioner has accepted the same in full quits. Consequently, the claim against the 3rd & 4th Respondents have been fully satisfied.

6. It is therefore prayed that this Hon'ble Court may be pleased to take on file the above Report and pass such further Orders as this Hon'ble Court may deem fit under the circumstances of the case."



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2. Recording the same, writ petition is closed as settled. No costs.

3. This Court appreciates the time and effort of Mr.Kabir, learned Mediator, in enabling this settlement.

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Index:Yes/No
Neutral Citation:Yes
ssm

To

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Southern Railway, Chennai – 600 003.

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Chennai - 600 003.



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DR. ANITA SUMANTH,J.

ssm

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