



C.M.A.No.1853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1853 of 2024

K.Munusamy

... Appellant

Vs.

1.A.Ramachandran,
S/o.Anandan

2.Reliance General Insurance Company Limited,
Reliance House, 4th Floor,
No.6, Haddows Road,
Nungambakkam,
Chennai-600 034.

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 02.09.2022 made in M.C.O.P.No.3757 of 2017 on the file of the Motor Accident Claims Tribunal/V Court of Small Causes, Chennai.



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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/V Court of Small Causes, Chennai, in M.C.O.P.No.3757 of 2017, dated 02.09.2022, has filed this appeal.

2. On 18.06.2017 at about 11.30 hrs, when the appellant/claimant, who was a rider of Motorcycle, was proceeding at E.C.R. Pooncherry near Tamil Nadu Mercantile Bank ATM, a car belonging to the first respondent came from behind and was driven in a rash and negligent manner and hit the petitioner's motorcycle. As a result, the claimant fell down on the road and sustained grievous injuries all over the body. It is under these circumstances, the claim petition came to be filed before the Tribunal



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seeking for compensation.

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3. Before the Tribunal, on the side of the claimant, the claimant himself was examined as P.W.1 and marked Exs.P1 to P12. On the side of the respondents, no witnesses was examined and no document was marked. The Medical Board Certificate of the petitioner 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.2,44,200/- under various heads. The above compensation was directed to be paid by the respondent Nos.1 and 2 jointly along with interest at 7.5% p.a.

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



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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 18.06.2017 involving 1st respondent's vehicle insured with the 2nd respondent.
2. The tribunal passed an award dated 02.09.2022 for a sum of Rs.2,44,200/- 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 and above the Tribunal award amount.
4. The appellant/Petitioner has already withdrawn the amount deposited by the Insurance Company. Now he is ready and willing to accept Rs.1,00,000/- in full quit over and above the Tribunal award amount.
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, Munusamy, payable by the Respondent to the credit of the above M.C.O.P.No.3757 of 2017 (on the file of the Motor



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Accidents Claims Tribunal/(V Court of Small Causes, 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

NCC : Yes / No

(5/5)

Index : Yes / No

Speaking Order : Yes / No

ssb

Note: Issue order copy on **06.01.2025**

To

1.The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai.

2.The Section Officer,
V.R. Section,
High Court, Chennai.



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M.DHANDAPANI, J.

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