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C.M.A.No.1390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.1390 of 2022

and

C.M.P.No.10106 of 2022

C.M.P.No.3994 of 2024

in

Cross.Obj.SR.No.20644 of 2024

C.M.A.No.1390 of 2022

National Insurance Company Limited,
Divisional Office,
Balaji Tower,
2nd Floor, No.11, Ramakrishna Road,
Salem 7.

... Appellant

Vs.

1. M.Varna

2. V.Natesan

... Respondents

Cross.Obj.SR.No.20644 of 2024

M.Varna

... Cross objector

Vs.

1. V.Natesan



C.M.A.No.1390 of 2022

2. National Insurance Company Limited,
Divisional Office,
Balaji Tower,
2nd Floor, No.11, Ramakrishna Road,
Salem 7.

.... Respondents

Prayer in C.M.A: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the Decree and Judgment dated 12.03.2018 made in M.C.O.P.No.2214 of 2011 on the file of Motor Accident Claims Tribunal (Special Sub Court No.2), Salem.

Appearance in C.M.A.No.1390 of 2022

For Appellant : M/S.N.B.Surekha

For R1 : Mr.K.Varadha Kamaraj
for Mr.I.Arokiasamy

For R2 : No appearance

Appearance in Cross Objection S.R.No.20644 of 2024

For Petitioner : Mr.K.Varadha Kamaraj
for Mr.I.Arokiasamy

For R2 : M/S.N.B.Surekha

COMMON JUDGEMENT

Aggrieved by the quantum of compensation awarded by the Tribunal in M.C.O.P.No.2214 of 2011, dated 12.03.2018, the



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appellant/Insurance Company have filed C.M.A.No.1390 of 2022. Being not satisfied with the quantum of compensation awarded by the Tribunal in M.C.O.P.No.2214 of 2011, dated 12.03.2018, the appellant/claimant has filed Cross Objection SR. No.20644 of 2024.

2. Since both the appeals arise out of the same award, they same are taken up together and being disposed of by this common judgement. For the sake of convenience, the parties are referred to as per their rank in C.M.A.No.1390 of 2022.

3. On 14.05.2011, at about 5.30 p.m., when the first respondent was travelling as a pillion rider in a motorcycle, she was hit by a bus bearing Reg.No.TN-30 B 3550, which came from the same direction, driven by its driver in a rash and negligent manner. As a result of which, the first respondent sustained grievous injuries all over her body. Hence, the first respondent/claimant made a claim petition before the Tribunal, seeking a sum of Rs.20,00,000/- as compensation.



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4. On consideration of oral and documentary evidence, the Tribunal awarded a sum of Rs.18,09,867/- towards compensation to the first respondent/claimant. Being not satisfied with the quantum and aggrieved by the quantum respectively, both the claimant & Insurance Company have filed these appeals.

5. Today, when the matter is taken up for hearing, the learned counsel on both sides would submit that they have settled the matter and to that effect they have filed a Joint Memo of Compromise and the said Joint Memo of Compromise is recorded.

6. The learned counsel for the first respondent submitted that the claimant has agreed to withdraw a sum of Rs.25,53,660/- and to deduct a sum of Rs.2,46,340/- towards TDS in the name of the claimant.

7. In view of the above, both the Civil Miscellaneous Appeal and C.M.P.No.3994 of 2024 in Cross Objection SR.No.20644 of 2024 are disposed of. The Joint Memo of Compromise shall form a part of this judgment. The appellant/Insurance Company is directed to transfer the entire amount as per the terms of a Joint Memo of Compromise



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to the claimant's account directly within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.03.2024

Index : Yes / No
NCC : Yes / No
jd

To

1. The Motor Accident Claims Tribunal,
Special Sub Court No.2, Salem.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

jd

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