



C.M.A.(MD) No.564 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.564 of 2020
and C.M.P.(MD) No.5885 of 2020

Kasavan
S/o.Alagar

... Appellant

Vs.

1.Marutha Muthu
S/o.Sona

2.Masila Mani
S/o.Sona

3.Sona Muthu (died)
S/o.Sona

4.Muthu Rasu
S/o.Sona

5.Ramesh
S/o.Maruthan

6.Anbazzhagan
S/o.Chinnasamy

7.Branch Manager,
The United India Insurance Company Limited,
Deva Illam, Opp. to Kumaraiyya Temple,
Rameshwaram Road, Ramanathapuram.

8.Rakkammal



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W/o.Late. Sona Muthu

9.Muniyasamy

S/o.Late. Sona Muthu

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the fair and decretal order dated 26.09.2019 made in M.C.O.P.No.127 of 2016 on the file of the Motor Accident Claims Tribunal (Principal District and Sessions Court), Ramanathapuram.

For Appellant : Mr.S.C.Herold Singh

For R1, R2 & R4 : Mr.M.Boopathi Pandiyan

For R5 : No appearance

For R7 : Mr.A.Shajahan

J U D G M E N T

The owner of the offending vehicle has preferred the instant appeal challenging the Tribunal's finding on the liability and the quantum of compensation in the Judgment dated 26.09.2019 passed in M.C.O.P.No. 127 of 2016.

2. Pending disposal of this appeal, the appellant and the first, second, fourth, eighth, and ninth respondents, who are the claimants and the legal heirs of the third claimant (since deceased), have entered into a compromise, by which the appellant, the owner of the vehicle, has agreed to pay a sum of Rs.2,50,000/- in full quit, in addition to Rs.5,29,225/-,



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i.e., 50% of the award amount and the interest thereon, deposited by him before the Tribunal pursuant to the direction of this Court dated 23.11.2020.

3. The first, second, fourth, eighth, and ninth respondents are before this Court and admitted the receipt of Rs.2,50,000/- by Cheque No.008940 623013002 0008641 13, drawn on Bank of India, in favour of the first respondent.

4. The parties filed a Joint Compromise Memo before this Court. The Joint Compromise Memo filed by the parties is taken on record and shall form part of this Judgment.

5. By an order dated 01.04.2022, when the third respondent was alive, this Court had permitted the first to fourth respondents to withdraw a sum of Rs.4,00,000/- out of the amount deposited by the appellant, by filing suitable application before the Tribunal.

6. The first, second, and fourth respondents shall each be entitled to 25% of the compensation. The eighth and ninth respondents, the legal



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heirs of the deceased third respondent together shall be entitled to the remaining 25% of the compensation.

7. Therefore, the respondents 1, 2, 4, 8 and 9 are permitted to withdraw the compensation, less the amount already withdrawn by them as per the above proportion, by filing suitable applications before the Tribunal.

8. In the result, this Civil Miscellaneous Appeal is disposed of in terms of the Joint Compromise Memo. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.10.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order

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SUNDER MOHAN, J.

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Copy To:

1.The Principal District and Sessions Judge,
Motor Accident Claims Tribunal,
Ramanathapuram,
Ramanathapuram District.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

C.M.A.(MD) No.564 of 2020
and
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