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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.105 of 2024

and

C.M.P(MD)No.1687 of 2024

R. Villalan

... Appellant

Vs.

1. R. Elizabeth Mery

2. R.Rosi

3. R.Maran

4. R.Arockia Doni

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act to set aside the Impugned award passed in M.C.O.P No.98 of 2020 by the Learned Motor Accidents Claims Tribunal cum Additional District Judge, Ramanathapuram, dated 31.03.2022.

For Appellant : M/s.Aju Tagore

For Respondents : Mr.V.Paneer Selvam

JUDGEMENT

The owner of vehicle has preferred this appeal against the award passed in M.C.O.P No.98 of 2020, dated 31.03.2022 on the file of the Motor Accidents Claims Tribunal/Additional District Court, Ramanathapuram.



2. It is a case of fatal. The Tribunal has fixed liability on the owner of the vehicle. Aggrieved by the same, the owner of the vehicle is before this Court by way of filing this Civil Miscellaneous Appeal.

3. After hearing submissions, this Court directed the parties to venture the possibility of settlement. After negotiation, the parties have arrived settlement and the claimants have agreed to receive a sum of Rs.7,50,000/-as full and final settlement. To this effect, a Joint Compromise memo has also been filed. In the said memo, all the parties in the Appeal have signed, which have also been countersigned by the respective counsels. The said Joint compromise memo is extracted hereunder:



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IN THE COURT OF JUDICATURE AT MADRAS
MADURAI BENCH

(Civil Appellate Jurisdiction)

C.M.A.(MD) No. 105 of 2024

Against

M.C.O.P.No.98 of 2020

(On the file of the Motor Accidents Claims Tribunal, Additional District
Judge, Ramanathapuram)

R. Villalan (M/49/2022),
S/o. Rajan Rajendran,
No.1/23, Azhagamanakari,
Sivagangai Town,
Sivagangai District,

Through his Power Agent
Anbazhagan (M/52/2022),
S/o. Azhagesan,
No.1/22, , Azhagamanakari,
Sivagangai Town,
Sivagangai District.

...Appellant/Respondent

/Vs/

1. R. Elizabeth Mery,
W/o. Late Rayappan,
No.5/57, Ettiyathidal Village,
Sengudi Post,
R.S. Mangalam Taluk,
Ramanathapuram District.
2. R. Rosi,
W/o. R. Savior,
D/o. Late Rayappan,
No.5/57, Ettiyathidal Village,
Sengudi Post,
R.S. Mangalam Taluk,
Ramanathapuram District.



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Rs.1,00,000/- Aggrieved over the same, the appellant through his power agent herein preferred a present Civil Miscellaneous Appeal in C.M.A.No.105 of 2024 before this Hon'ble Court. When the case is pending, both the parties arrived at compromise and prepared to settle the issue amicably by receiving the amount of Rs.7,50,000/- as full and final settlement and also decided to share the amount with the very ratio followed in M.C.O.P.No.98 of 2020. As per the ratio, the respondent is 1st respondent is entitled to get Rs.3,67,738/-, the 2nd and 3rd respondents are entitled to get Rs.1,52,905/- each and the 4th respondent is entitled to get Rs.76,452/-. Since the 4th respondent herein is now working at Singapore, he has given his consent to his mother 1st respondent to receive his share. The appellant is en abroad, the issue settled through his power agent and the amount was also disbursed through his power agent. Now, the respondents 1 to 4 received the entire amount of Rs.7,50,000/- as said above as full and final settlement.

Therefore it is prayed that this Hon'ble court may be pleased to record this Compromise Memo and dispose the C.M.A.(MD) No.105 of 2024 and thus render justice.

Dated at Madurai this 21st day of March, 2024

Appellant

அ. அனீஷ்

Respondents 1 to 4

ர.ர.பெருமாள்
R. R. Perumal

A. A.

Counsel For Appellant

பிரபாகர்

Counsel for Respondents 1 to 4

ம. அ. சிவசுப்ரமணியன்
M. A. Sivasubramanian



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22.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accidents Claims Tribunal/
Additional District Court,
Ramanathapuram.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



4. Accordingly, this Civil Miscellaneous appeal is allowed in terms of the joint memo of compromise. The joint memorandum of compromise shall form part and parcel of this Judgment and Decree. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

NCC : Yes / No
Index : Yes / No
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To

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Additional District Court,
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Vernacular Section,
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Madurai.



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S.SRIMATHY, J.

KSA

Order made in
C.M.A(MD)No.105 of 2024

22.03.2024