



C.M.A.(MD) No.1507 of 2010
and Cross.Obj.(MD) No.62 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.10.2024

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.1507 of 2010
and M.P.(MD) No.3 of 2010
and
Cros.Obj.(MD) No.62 of 2010

C.M.A.(MD) No.1507 of 2010

The Oriental Insurance Company Limited,
Through its Divisional Manager,
Divisional Office No.6-4,
North Cotton Road, Thoothukudi.

... Appellant

Vs.

1.S.Murugan
S/o.Sanniya Pillai

2.Valliammal
W/o.S.Murugan

3.R.Antonyraj
S/o.Ramachandran

4.S.Saratha
W/o.R.Sengottuvel

5.National Insurance Company Ltd.,
Through its Manager,
No.7-A, Parthasarathy Road,
Namakkal - 637 001.

... Respondents



C.M.A.(MD) No.1507 of 2010
and Cross.Obj.(MD) No.62 of 2010

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside or modify the order of the Tribunal in M.C.O.P.No.33 of 2008 dated 31.08.2009 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Thoothukudi.

For Appellant : No appearance

For R2 : Mr.T.Selvakumaran

For R3 to R5 : No appearance

Cros.Obj.(MD) No.62 of 2010

1.S.Murugan
S/o.Sanniya Pillai

2.Valliammal
W/o.S.Murugan

... Cross-Objectors

Vs.

1.The Oriental Insurance Company Limited,
Through its Divisional Manager,
Divisional Office No.6-4,
North Cotton Road, Thoothukudi.

2.R.Antonyraj
S/o.Ramachandran

3.S.Saratha
W/o.R.Sengottuvel

4.National Insurance Company Ltd.,
Through its Manager,



C.M.A.(MD) No.1507 of 2010
and Cross.Obj.(MD) No.62 of 2010

No.7-A, Parthasarathy Road,
Namakkal - 637 001.

... Respondents

Prayer:- Cross-Objection filed under Order XLI Rule 22 of the Civil Procedure Code to enhance the compensation awarded by the Motor Accident Claims Tribunal (Principal District Judge) Thoothukudi *vide* its Judgment and Decree dated 31.08.2009 in M.C.O.P.No.33 of 2008.

For Cross-Objectors : Mr.T.Selvakumaran

For Respondents : No appearance

COMMON JUDGMENT

The instant appeal and the cross-objection were referred to the Lok Adalat, and the matter was settled before the Lok Adalat, wherein the following order was passed:

The appellant Insurance Company is represented by the Regional Manager along with the learned counsel Mr.C.Jawahar Ravindran. The 1st claimant Mr.Murugan is stated to be dead. The 2nd claimant is present before the Lok Adalat. The claimants would submit that they would take steps to bring the legal representatives on record of the 1st claimant Murugan. The parties have agreed for Rs. 5,00,000/- with interest at the rate of 7.5% interest. The matter is referred back to the Court for passing order after the legal heirs brought on record, taking into account the settlement arrived at before the Lok Adalat.



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2. Though the matter was settled as early as on 12.12.2015, the parties have not taken any steps to bring the legal representatives of the deceased first claimant on record. The second claimant, who is the wife of the deceased first claimant, has also not received any amount as per the settlement. Hence, this Court is of the view that both the appeal and the cross-objection can be disposed of with certain directions.

3. Accordingly, this Civil Miscellaneous Appeal and the Cross-Objection are disposed of with the following directions:

- i. The Insurance Company, the appellant in C.M.A.(MD) No. 1507 of 2010, shall deposit Rs.5,00,000/- along with interest at 7.5% per annum from the date of filing of the claim petition till the date of realization, if it has not been deposited before the Tribunal as agreed before the Lok Adalat, within a period of four (4) weeks from the date of receipt of a copy of this judgment.
- ii. The second claimant, Mrs.Valliammal, shall be permitted to withdraw 50% of Rs.5,00,000/-, i.e., Rs.2,50,000/-, together with interest thereon, by filing a suitable application before the Tribunal.
- iii. The legal heirs of the first claimant shall be entitled to withdraw the remaining Rs.2,50,000/- together with



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interest thereon, by establishing that they are legal representatives of the deceased first claimant, before the Tribunal.

iv. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.10.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

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Copy To:

- 1.The Principal District Judge,
Motor Accident Claims Tribunal,
Thoothukudi,
Thoothukudi District.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras high Court,
Madurai.



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SUNDER MOHAN, J.

JEN

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