



WEB COPY

CMA No. 71 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A. No. 71 of 2024

1. G.Selvi
- 2.G.Gowri
3. Ayyappan
4. VELAYUTHAM

Appellant(s)

Vs

1. G.Hemananthan

2.Shriram General Insurance Co. Ltd.
66, II Floor, City Centre Complex,
Thirumalai Pillai Road,
Chennai-600017

Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 22.08.2023 passed in MCOP No.886/2013 on the file of the learned Special Sub Judge No.I, Motor Accident Claims Tribunal, Court of Small Causes, Chennai.



WEB COPY

CMA No. 71 of 2



For Appellant(s): Mr.Amar Dineshbhai Pandiya

For Respondent(s): Mr.B.Sivakollappan for R2
R1-No Appearance

ORDER

The above Civil Miscellaneous Appeal arises against the Award and Decree dated 22.08.2023 passed in MCOP No.886/2013 on the file of the learned Special Sub Judge No.I, Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

2.At the time of arguments, the learned counsel for the appellants submitted that he filed Vakalat only for the appellants 1, 2 and 4 and not for the claimant Ayyappan, who is the 3rd appellant herein. The learned counsel further pointed out that after the Award passed by the National Lok Adalat, they did not know whereabouts of the 3rd appellant. Further, a Complaint has been given and as on date, he was not secured. Therefore, he is not able to file Vakalat for the 3rd appellant. Hence, this Civil Miscellaneous Appeal against the 3rd appellant is dismissed.



WEB COPY

3. The learned counsel for the appellants 1, 2 and 4 submitted that this matter was settled before the National Lok Adalat. In this regard, they filed a Joint Memo for a sum of Rs.6,75,000/- as full and final settlement for the entire claim and the Award also signed by all the parties. But, the Tribunal failed to take note of the Settlement before the National Lok Adalat for the reason that one of the claimants Ayyappan was not appeared and therefore, the Tribunal ignored and granted compensation is very low and without taken note of the fact that the deceased died only due to the injuries sustained in the accident. But only for the injuries, the Tribunal passed Award. Hence, these objections have been filed.

4. On a perusal of the records, it is seen that the issue was settled for a sum of Rs.6,75,000/-. On behalf of the Insurance Company, the 2nd respondent, who is the official also signed in the Award. The fact reveals that the claim was settled between the parties for a sum of Rs.6,75,000/-. To that effect, all the parties have signed in the Settlement. Since one of the claimants was not appeared before the Lok Adalat, the said Award was not able to record. But, it



WEB COPY

is the admitted fact that the 2nd respondent /Insurance Company agreed for a sum of Rs.6,75,000/-. Therefore, this Court is inclined to modify the order passed by the Tribunal. Accordingly, a sum of Rs.62,300/- awarded by the Tribunal is modified to Rs.6,75,000/-. Interest will be waived off over the lump sum is agreed, as the claim was already settled between the parties, the interest on the said amount does not arise. Therefore, the entire claim of Rs.6,75,000/- is awarded as compensation.

5. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.6,75,000/-, less the amount already deposited, to the credit of M.C.O.P.No.886/2013 on the file of the learned Special Sub Judge No.I, Motor Accident Claims Tribunal, Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. The claimants 1, 2 and 4 are entitled to a sum of Rs.2,00,000/- each and the 3rd appellant is entitled to a sum of Rs.75,000/-. The share of the 3rd appellant



Ayyappan shall be deposited in any one of the Nationalised Banks in fixed deposit under the reinvestment scheme until he claims before the Tribunal. On such deposit, the claimants 1, 2 and 4 are permitted to withdraw the entire award amount as apportioned by this Court, by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

01-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Sub Judge No.I,
Motor Accident Claims Tribunal,
Court of Small Causes,
Chennai.

2. The Section Officer,
VR Section,
Madras High Court.



WEB COPY

CMA No. 71 of 2



T.V.THAMILSELVI J.

mps

C.M.A. No. 71 of 2024

01-07-2025