



C.M.A.No.2263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

C.M.A.No.2263 of 2024

and

CMP.No.17537 of 2024

The Divisional Manager,
The New India Assurance Company Limited,
Pondicherry – 1.

...Appellant

Vs.

1. S.Velmurugan

2. Raj Kumar

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 13.02.2024 passed in MCOP.No.336 of 2018 on the file of the Special District Judge No.I, MACT, Cuddalore.

For Appellant : Mr.T.Jayaraman

For Respondents : Ms.Ramya V.Rao, for R1



C.M.A.No.2263 of 2024

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JUDGMENT

Challenging the award dated 13.02.2024 made in MCOP.No.336 of 2018 on the file of the Special District Judge No.I, MACT, Cuddalore, the appellant / insurer has come up with the present appeal.

2. It is the case of the claimant/1st respondent that, on 01.08.2017 at about 8.45 pm., when he was riding the Hero Honda motorcycle bearing Regn.No.PY-01-AY-3848 on Kullanchavadi to Kollukarankuttai Main Road at that time, a Bajaj CT 100 motorcycle owned by the 2nd respondent insured with the appellant-insurance company driver by its driver in a rash and negligent manner came in the opposite direction and dashed against the motorcycle in which the 1st respondent was travelling, due to which, the 1st respondent/claimant sustained grievous injuries and got admitted in the hospital. Thereby, the 1st respondent/claimant filed a claim petition before the tribunal claiming a compensation of Rs.15,00,000/-. Before the Tribunal, the claimant examined himself as P.W.1 and marked exhibits P.1 to P.31 and on the side of appellant/insurance company, two witnesses viz. R.W.1 and



C.M.A.No.2263 of 2024

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R.W.2 were examined and exhibits R.1 was marked and Disability certificate was marked as Court document Ex.C.1. After trial, the Tribunal, on appreciation of oral and documentary evidence awarded a sum of Rs.14,79,000/- towards compensation for the injuries sustained by the 1st respondent/claimant. Aggrieved by the same, the appellant-insurer has come up with this appeal.

3. When the matter was taken up for hearing today, the learned counsel for the appellant as well as the 1st respondent submitted that, pending appeal, the parties have arrived at a settlement and to that effect a Joint Memo For Recording Settlement dated 31.01.2025 signed by both parties and their respective counsel has been filed before this Court. The terms of settlement are extracted hereunder:

“1. The above appeal has been filed by the Appellant/2nd respondent Insurance Company on Quantum.

2. The tribunal passed an award for a sum of Rs. 14,79,000/- along with interest & Costs as against the claim of Rs.15,00,000/- During the pendency of the appeal the appellant and 1st respondent/petitioner have negotiated for settlement and



C.M.A.No.2263 of 2024

arrived at a sum of Rs. 13,00,000/- (Thirteen Lakhs) with interest and cost.

3. The Appellant/Insurance Company has already deposited 50% of the award as per the order of this court and the balance shall be payable in 4 weeks from the date of this order.

4. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass an award for Rs.13,00,000/- with interest at the rate of 7.5% and cost in favour of the 1st Respondent/petitioner S.Velmurugan, and on such deposit the Tribunal shall transfer the entire compensation amount to the bank account of the respondents/claimants 1 by way of RTGS/NEFT on proper identification, in accordance with the terms of award without insisting formal permission petition and since the case is being settled by way of joint memo of compromise the Appellant Insurance company is entitled to refund of entire court fee. This Hon'ble Court may be pass pleased to pass orders incorporating the above terms and thus render justice.”

4. Accordingly, this Civil Miscellaneous Appeal stands disposed of



C.M.A.No.2263 of 2024

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and there shall be a decree in terms of the above Joint Memo for Recording Settlement dated 31.01.2025 and the same shall form part of the records. No costs. Consequently, the connected Miscellaneous petition is closed.

31.01.2025

skt

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

To:

1. The Special District Judge No.I, MACT,
Cuddalore,
2. The Section Officer,
V.R. Section, High Court, Chennai.



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C.M.A.No.2263 of 2024

M.DHANDAPANI, J.

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C.M.A.No.2263 of 2024
and
CMP.No.17537 of 2024

31.01.2025