



C.M.A.No.2439 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**C.M.A.No.2439 of 2022
and
C.M.P.No.19052 of 2022**

The Oriental Insurance Company Limited.
No.115, II Floor,
Broadway,
Prakasam Salai,
Chennai - 600 104.

... Appellant

-Vs-

1. S.Prabu Sankar
2. S.Shanmugathammal
3. AL Million Services Trading and Contracting
Company Private Limited,
No.51, MS Dreamz,
Kannammal Street, Kannabiran Colony,
Saligramam,
Chennai - 93.
4. Shanthakmar
5. The United India Insurance Company Limited,
(TN-10_AL-5182),
Motor Third Party Claims Hub,
134, Greams Road,
Chennai - 600 006.

... Respondents



C.M.A.No.2439 of 2022

PRAYER : Appeal under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 08.06.2022 passed in M.C.O.P.No.2304 of 2014 by the Motor Accidents claims Tribunal, Special Sub Court No.I, Small Causes Court, Chennai.

For Appellant : Mr.S.Senthilkumar

For Respondents : Mrs.Ramya V.Rao for R1
R2 - vacated
No appearance for R3 & R5
R4 - No such person

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This civil miscellaneous appeal has been directed against the order passed by the Motor Accidents claims Tribunal, Special Sub Court No.I, Small Causes Court, Chennai dated 08.06.2022 in M.C.O.P.No.2304 of 2014.

2. It is a case of a fatal motor accident, pursuant to which, the legal heirs, i.e., claimants filed the said MCOP seeking a compensation of Rs.90,00,000/-

3. The Tribunal after having examined the evidence adduced before it has ultimately made an award of Rs.67,33,300/-, as against which, the Insurance Company preferred this appeal.

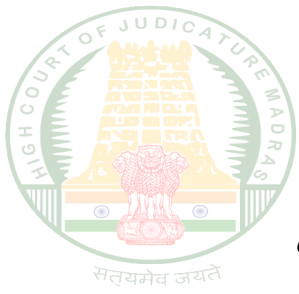


4. During the pendency of the appeal, there has been a settlement between the parties which has been reduced into a joint memo for recording settlement between the appellant and the first respondent dated 13.03.2025. The original memo of compromise signed both by the appellant and the first respondent as well as the respective counsel has been filed before this Court where, *inter alia*, a following arrangement has been made:

"2. The tribunal passed an award for a sum of Rs.67,33,300/- along with interest & Costs as against the claim of Rs.90,00,000/-. During the pendency of the appeal the appellant and the 1st respondent / petitioner have negotiated for settlement and arrived at a sum of Rs.45,00,000/- (Frothy Five Lakhs) with interest and cost.

3. The 2nd Respondent / 2nd Petitioner Shamugathammal aged 87 years died on 13.04.2022 she is the mother of the deceased Shanmuga Kumarasamy and grandmother of the 1st Respondent / 1st Petitioner. Memo has been filed to record the death of the 2nd Respondent / 2nd Petitioner, the same has been recorded by this Hon'ble Court. Her share may also be given to the 1st Respondent / 1st Petitioner who is the only available legal heir of the deceased Shanmuga Kumarasamy.

4. The Appellant / Insurance Company has already deposited 50% of the award as per the order of this Court and the balance if any, shall be payable in 4 weeks from the



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date of this order.

5. It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass an award for Rs.45,00,000/- with interest at the rate of 7.5% and cost in favour of the 1st Respondent / 1st Petitioner S.Prabhu Sankar and on such deposit the Tribunal shall transfer the entire compensation amount to the bank account of the 1st Respondents / 1st Claimants S.Prabhu Sankar 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 incorporation the above terms and thus render justice."

5. The learned counsel appearing for both sides relying upon this memo of compromise wants disposal of this civil miscellaneous appeal in terms of the said compromise memo.

6. Having heard the learned counsel appearing for both sides and taken note of the joint memo of compromise reached between the parties, we are inclined to dispose of this civil miscellaneous appeal to the following effect:



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(i) that the award impugned passed by the Tribunal awarding a sum of Rs.67,33,300/- is modified / reduced into Rs.45,00,000/- with interest and costs which shall be payable by the appellant / Insurance Company to the first respondent / claimant.

(ii) Since only 50% of the award amount had already been deposited, the remaining amount as per the modified / reduced award amount as per this order shall be deposited by the appellant / Insurance Company to the lower Court within a period of four weeks from today.

(iii) On such deposit being made, the same can be withdrawn by the first respondent / claimant as per paragraph No.3 of the joint compromise memo without any further reference to this Court.

7. With these directions, this Civil Miscellaneous Appeal is disposed of accordingly. The joint memo of compromise dated 13.03.2025 shall form part of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.M.C., J.)
13.03.2025

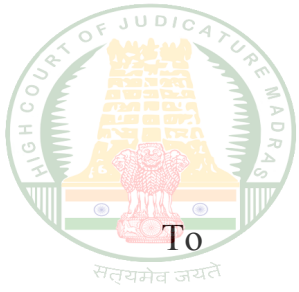
NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy by 17.03.2025.



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To

WEB CCM

1. The United India Insurance Company Limited,
(TN-10_AL-5182),
Motor Third Party Claims Hub,
134, Greaves Road,
Chennai - 600 006.
2. The Motor Accidents claims Tribunal,
Special Sub Court No.I,
Small Causes Court,
Chennai.
3. The Section Officer,
V.R. Section,
High Court,
Chennai.



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and
A.D.MARIA CLETE, J.**

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13.03.2025