



C.M.P.(MD).No.14269 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.P.(MD).No.14269 of 2025

in

C.M.A.(MD).No.1055 of 2024

1.National Insurance Company Limited,
Rep. Through its Branch Manager,
Office at Anguvilas Building,
112, North Car Street, Nagercoil,
Kanyakumari District.

2.National Insurance Company Limited,
Rep. Through its Branch Manager,
Office at No.37/C,
S.N. High Road, Thirunagar,
Tirunelveli Junction, Tirunelveli,
Tamil Nadu.

... Petitioners/Appellants

Vs.

1.Anitha

2.Minor Gowshika

3.Minor Deshvanth

(Minor Respondents 2 and 3 represented through
their mother/1st petitioner)

4.Chellathai

5.Sundaralingam

1/4



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6.Arul Seelan

... Respondents/Respondents

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Prayer: Civil Miscellaneous Petition is filed under Order 41 Rule 21 of Civil Procedure Code, to recall the order passed in C.M.A.(MD)No.1055 of 2024 dated 21.10.2024.

For Petitioners : Mr.D.Sivaraman

For R-1 to R-5 : Mr.P.Samuel Gunasingh

ORDER

This Civil Miscellaneous Petition seeks recall of the order dated 21.10.2024 passed in C.M.A.(MD).No.1055 of 2024 on the ground that pending the appeal before this Court, the parties, namely, the appellants and the respondents had arrived at a settlement, by which, the respondents agreed to receive a sum of Rs.24,75,000/- in full and final settlement of all their claims and in fact, they had received the said sum by way of NEFT transfer to the credit of their account on 25.11.2024. This fact is not disputed by the learned counsel for the respondents.

2. However, unfortunately neither the learned counsel for the appellants nor the learned counsel for the respondents brought to the notice of this Court



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the fact that a settlement was arrived at between the parties, when the matter was heard by this Court on 21.10.2024.

3. In view of the same, the order passed by this Court in CMA(MD) No. 1055 of 2024 has to be necessarily recalled and accordingly, the said order is recalled and the Civil Miscellaneous Appeal is disposed of in terms of the settlement before the Lok Adalat held on 14.09.2024. The Civil Miscellaneous Petition stands allowed. No Costs.

13.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm/ars



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SUNDER MOHAN, J.

Lm/ars

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