

Dileep Kumar vs Vishnu K.S.

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Court : Kerala

Decided On : Jul-31-2024

Judge : Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : MACA/50/2018

Appellant : Dileep Kumar

Respondent : Vishnu K.S.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946 OPMV NO.260 OF 2014 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM APPELLANT/PETITIONER: DILEEP KUMAR, AGED 33 YEARS, S/O.NARAYANAN NAIR, DEEPASADANAM, EZHUTHUPUZHA BHAGOM, MADAPATTU KARA, KOOROPPADA VILLAGE, KOTTAYAM. BY ADVS. SRI.K.A.HASHIM SRI.JABIN MUHAMMED RESPONDENTS/RESPONDENTS: 1 VISHNU K.S. ARUPATHIL, KOCHETTU PURAYIDOM, KILIROOR NORTH P.O., THIRUVARPPU VILLAGE, KOTTAYAM, PIN-686020. 2 JAYALAL T.K. THAMPITHARA HOUSE, KILIROOR KARA, KANJIROM PO,

THIRUVARPPU VILLAGE,KOTTAYAM, PIN-686020. 3 THE NATIONAL INSURANCE CO.LTD. BRANCH OFFICE, KOTTAYAM, PIN-686001. BY ADV PREETHY R. NAIR, SC THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

The appellant is the claimant in OP(MV) No.260 of 2014 on

the file of the Motor Accidents Claims Tribunal, Kottayam. The said claim petition was filed by the appellant claiming an amount of 10,00,000/- as compensation for the injuries sustained by him in a motor accident occurred on 29.12.2013. The tribunal awarded an amount of 6,87,650/- as compensation under different heads, directing the respondent insurer to deposit the said amount along with interest at the rate of 8% per annum from the date of filing the claim petition till realization. Being dissatisfied with the compensation awarded, the appellant has come up in appeal.

2. Today, when the matter came up for consideration,

the learned counsel for the appellant as well as the learned Standing Counsel for the respondent insurer submitted that they have filed a joint statement dated 11.07.2024, wherein it is stated that the claim of the appellant has been settled by the respondent insurer, agreeing to deposit a further amount of 2,15,000/- including interest as additional compensation in the account of the appellant within a period of two months from the date of receipt of a copy of this judgment, failing which, the said amount will carry interest at the rate of 12% per annum from the

..3.. date of default.

3. In the light of the joint statement filed by the parties, the impugned award is modified by directing the respondent insurer to deposit an amount of 2,15,000/- (Rupees two lakh

fifteen thousand only) including interest as additional compensation in the account of the appellant within a period of two months from the date of receipt of a copy of this judgment, failing which, the said amount will carry interest at the rate of 12% per annum from the date of default. The claimant shall furnish copies of the PAN Card, AADHAAR Card and bank details before the respondent insurer within a period of one month from the date of receipt of a certified copy of this judgment so as to enable the insurance company to make the deposit as ordered above. In case of failure to furnish details as above, it shall be open for the insurance company to deposit the said amount before the tribunal.

The appeal is disposed of, in terms of the joint statement as above. The joint statement will form part of the judgment. Sd/- SHOBA ANNAMMA EAPEN JUDGE
bka/-

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM
MACA NO.50 Dileep Kumar Appellant/petitioner Vs Vishnu K S & 2
others .. Respondents/Respondents JOINT SETTLEMENT MEMO
FILED BY THE PARTIES IN THE ABOVE MOTOR ACCIDENTS
CLAIMS APPEAL SETTLING THE APPEAL The above appeal is against
award in OP MV. No.260/2014 dated. 06/04/2017 of the motor Accident
Claims Tribunal,kottayam. The original claims is one U/S 166 of the
Motor Vehicles Act for the injuries sustained by the appellant in the motor
vehicle accident occurred on 29/12/2013. The learned tribunal after
finding negligence on the insured vehicle awarded a compensation of
Rs:6,87,650/- with 9% interest and proportionate cost from the 3rd
respondent insurance Company. Dissatisfied with the quantum the
claimant is in appeal. The appellant and the 3rd respondent New India
assurance Company had discussed the matter on 08/07/2024 held in the
high court of kerala. The appellant has agreed` to receive Rs.2,15,000/-
(rupees two lakh fifteen thousand only)including interest in addition to the
compensation already award by the Tribunal as full and final settlement
of the all claims in the appeal. The respondent insurer has agreed to
deposit the above i]mount in the account of appellant. The appellant shall

furnish the bank account particulars of the appellant within one month from the date of the judgment. The respondent shall deposit the amount within two months from the date of the receipt of the account particulars. In case the insurer fails to deposit the amount after receiving the account particulars of the account particulars as stipulated above the amount shall carry interest at 12% after the date of default. Dated this the 11th day of July 2024 at Ernakulam Appellant DELIE MIRE MAYAN. a Menegor Counsel for the app Counsel for the respondent

Adv: kiA-i tbsh`Jvi i-2=3\

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