

Varughese John vs Manager

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SooperKanoon Citation : sooperkanoon.com/1337078

Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : MACA/472/2023

Appellant : Varughese John

Respondent : Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, MACA NO. 472 OF 2023 AGAINST THE AWARD
DATED 27.07.2022 IN OP(MV)NO.819/2018 OF MOTOR ACCIDENTS
CLAIMS TRIBUNAL,PATHANAMTHITTA APPELLANT/PETITIONER:
VARUGHESE JOHN, AGED 63 YEARS, MANIVALLIL HOUSE,
PUTHUSSERY P.O., KALLOOPPARA VILLAGE, MALLAPALLY
TALUK., PINCODE - 689585. BY ADV. SRI. STEFFY V.J.
RESPONDENT/2ND RESPONDENT: MANAGER, CHOLAMANDALAM
M.S. GENERAL INSURANCE COMPANY LTD., REGISTERED AND
HEAD OFFICE, DARE HOUSE, 2ND FLOOR, 2 NSC BOSE ROAD,

CHENNAI - 600001. BY ADVS.SRI.MATHEWS JACOB (SR.)(M-186)
SRI.P.JACOB MATHEW THIS MOTOR ACCIDENT CLAIMS APPEAL
HAVING BEEN FINALLY HEARD ON 30.11.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

JUDGMENT

Dated this the 30th day of November, 2023 This appeal is originated from an award passed by Motor Accidents Claims Tribunal, Pathanamthitta (for short the Tribunal) on 27.07.2022 in O.P.(MV)No.819/2018. The appellant is the petitioner before the Tribunal and he seeks for enhancement of compensation.

2. During the pendency of the appeal, the issues

involved in the appeal have been amicably settled among the parties and a joint statement is filed signed by both parties and their respective counsel.

3. In the joint statement filed it was stated that the

appeal was settled for a sum of `2,40,000/- as additional compensation (inclusive of interest), in full and final settlement of all claims raised by the appellant in the appeal. -:3:- The sole respondent has also agreed to deposit the above sum before the Tribunal within a period of two months from the date of receipt of a certified copy of the judgment that would be passed in the appeal on the basis of the joint statement. In case of default, the sole respondent has also agreed to pay interest at the rate of 9% from the date of default.

4. In the result, a judgment is passed on the basis of

the joint statement and the sole respondent is directed to deposit `2,40,000/- (Rupees Two lakhs and forty thousand only) arrived at as additional compensation (inclusive of interest), in full and final settlement of all claims of the appellant, within a period of two months from the date of receipt of a certified copy of this judgment. In case of default, the respondent is also directed to pay interest at the rate of 9% per annum from the date of default. -:4:- The joint statement shall also form part of this

judgment.

Sd/- MARY JOSEPH JUDGE MJL BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM M.A.C.A. No. 472 of 2023 ADDellant /Petitioner Varughese John, Aged 63 years, Manivallil House, I-E Puthussery P.O Kalllooppara Village, Mallapally Taluk, Pincode : 689585. Respondent / Respondent No:2 Manager, ChoJamandalam M.S. General Insurance Company Ltd., Registered and Head Office, Dare House, 2nd Floor. 2 NSC Bose Road, Chennai : 600001. JOINT STATEMENT FILED BY THE APPELLANT AND THE 2nd RESPONDNET INSURANCE COMPANY

1. The above appeal filed by the appellant for enhancement of compensation in a motor vehicle accident case. The appellant is the claimants in O.P.(MV) 819/2018 on the file of MACT, Pathanamthitta.
2. The incident in the above case happened on 26.03.2018 and the appellant sustained serious injury.
3. The appellant and the insurance company have negotiated the matter outside the court and arrived into a compromise settlement in full and final settlement of all claims of the appellants. It is agreed that the respondent insurance company shall pay an additional amount of Rs.2,40,000/- (Rupees Two lakh forty thousand). The said amount of Rs.2,40,000/- is including the interest also.
4. The respondent Insurance company hereby agrees to deposit the above said amount before the Tribunal within a period of two months from the date of receipt of copy of the Judgment. In case of default of payment within two months as stated above the respondent insurance company is liable to pay the interest @ 9% from the date of default.
5. There is no threat or coercion or undue influence arriving in the above settlement.

The settlement will form part of the Judgment of this Hon'ble Court Dated this the 30th day of October, 2023
COUNSEL FOR THE APPELLANT. COUNSEL FOR THE 2nd RESPONDNET. e

