

Prathap P vs the Divisional Manager

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Court : Kerala

Decided On : Nov-13-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : MACA/10/2016

Appellant : Prathap P

Respondent : The Divisional Manager

Judgement :

MACA.No.10 of 2016 \~. IN THE HIGH COURT OF KERALA AT
ERANAKULAM PRESENT THE HONOURABLE MR. JUSTICE ZIYAD RAHMAN
A.A. MONDAY, THE 13TH DAY OF NOVEMBER 2023 / 22RD
KARTHIKA, 1545 MAICA NO. 10 OF 2016 AGAINST THE ORDER/OU
TGOVERNMENT OPMV 590/2013 OF THE DISTRICT COURT AT
ADDITIO NAL MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZA.
APPELLANT/PETITIONERS: PRATHAP P, 53 YEARS, S/O.
PRADEEP K. ARAN, KALPALI HOUSE, TRERAKARA P.O,
MANCENTRA, KOTTANADU, ALAPPUZA EIA. PRAJITHA P. , 29
YEARS, D/o. PRADEEP APEN, KALPZELI ROADS, THEKKERARA P.O,
MANCOTTA, KUTTANADU, ALAPPUZA. PRASANTH P. , 24
YEARS, S/O. PRADEEP APEN, KALPZELI ROADS, THEKKERARA P.O,
ENCOMBU, KUTTANADU, ALAPPUZA. BY ADV. SRI . P. S .

PRADEEP RESPONDENT/RESPONDENT NO. 2 : TEE DIVISIONAL
MANAGER, UNITED INDIA INSURANCE CO.LTD, SARADA CCUE",
MUL, LACKAL, Alappuzha PIN 688 001. BY ADVS. SRI.DON JOSEPH
VITTAKAD SRI.C. JOSEPH JOSEPH THIS IS TO ORDER THAT THE CLAIMS APP
EAL, HAVING BEEN LEAPFROG AMISSON ON 13.11.2023, THE COURT JHT ON
THE SINCE DATED DELIVERED THE ORDER, LOWERING: MACA.No;10 of 2016

-MERELY The appellant is the petitioner in O.P.(MV).No.590 of 2013 on the file of the Motor Accidents Claims Tribunal, Alappuzha. The said claim petition was submitted seeking compensation for the death of one Ajithakumari in the motor accident that occurred on 09.01.2013. Even though the amount claimed was Rs.15,00,000/-, the Tribunal passed an award allowing a total compensation of Rs.9,91,000/- and the respondent herein was directed to deposit the said amount along with interest at the rate of 9% per annum from the date of petition till realization. This appeal is submitted challenging the same.

2. Heard Sri.PS.Pradeep, learned counsel for the appellants and Sri.John Joseph Vettikkad, learned counsel for the respondent.

3. The appellants and the respondent have filed a joint

settlement memo to the effect that the matter has been settled between the parties and as per the settlement, the respondent had agreed to deposit a further sum of Rs.7,00,000/- (Rupees seven lakhs only) inclusive of interest in full and final Satisfaction of the claim of the appellant. In the light of the aforesaid settlement, as evidenced by the joint settlement memo dated 26.10.2023 this appeal is disposed MACA.No:10 of 2016 3 of modifying the award dated 19.05.2015 passed by the Motor Accidents Claims Tribunal, Alappuzha in O.P.(MV).No.590 of 2013

granting an additional amount of Rs.7,00,000/- (Rupees seven lakhs only) inclusive of interest to the appellant herein and the said amount shall be deposited by the respondent Insurance Company within a period of two months from the date of receipt of a copy of the judgment, failing which, the said amount will carry interest at the rate of 8% per annum from the date of default. The joint settlement memo shall form part of the

judgment.

Sd/- ZIYAD RAIMAN A.A. JUDGE DG/13.11.23 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM M.A.C.A,NO.10 / 2016 Prathap p and 2 others Appellants Vs. United India Insurance co. Ltd. Respondent JOINT STATEMENT FILED BY THE APPELLANTS AND THE RESPONDENT

1. The above appeal is filed against the award dated 19-05-2015 in O.P. (MV) No. 590/2013 of the M.A.C.T. Alappuzha. The original petition is filed by the appellants claiming compensation in respect of the death of one Ajithakumari in a motor vehicle accident which occurred on 09-01-2013 involving a Innova car bearing registration No. KL -04 / AC -5445 Insured

with the respondent. The Tribunal had granted Rs. 9,91,000/- as compensation along with interest @ 9/a p.a. from the date of petition (24/06/2013). It is challenging the quantum of compensation that the above appeal is filed.

2. Since the respondent has admitted the coverage of the insurance

policy in respect of the offending Innova Car, the liability to pay the compensation is on the respondent. Hence the settlement is arrived at :etp::tehnat::app#Pondent For UNITED INDIA INSURANCE CO. LTD.

2. Frajitha Authdrzato,y

3. Prasanth P Appellants: Respondent 2.

3. The appellants and the respondent have negotiated the matter out of court and willingly arrived at a compromise settlement in full and final

settlement of all the claims of the appellant against the respondent arising out of the accident and the original petition mentioned above. It is agreed that the respondent shall pay an additional amount of Rs 7,00,000`- (Rupees seven lakhs only) inclusive of all interest and costs to the appellan{ by way of full and final settlement of all the claims of the appellants against the respondent.

4. The respondent hereby agrees to deposit before the MACT Alappuzha the above amount of Rs. 7,00,000/- (Rupees seven lakhs only)

within a period of 60 days from the date of receipt of the copy of the judgment

from the Hon'ble High Court. If in any event, the said amount is not deposited as aforesaid the amount would carry interest 8% p.a. from the date of default.

5. There is no threat, coercion or undue Influence in arriving at the

above settlement. There is no mistake in arriving at the settlement either. We humbly request this Hon'ble Court to record this joint statement and to pass a judgment in terms thereof. Dated on this the 11th day of October, 2023 at Prathapadippalam
r\ - CO. LTD. For UNITED INDIA INSURANCE

2. Pranjitha Iyer, stJ,

3. Prasanth P Iyer, A` Appellants: Adv. John Joseph Vettikad Counsel for the Appellants Counsel for the respondent

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