

Aneesh vs the Branch Manager

Aneesh vs the Branch Manager

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Court : Kerala

Decided On : Dec-22-2023

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

Appeal No. : MACA/2304/2019

Appellant : Aneesh

Respondent : The Branch Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945
MACA NO. 2304 OF 2019 AGAINST THE ORDER/JUDGMENT OPMV
243/2011 OF ADDITIONAL DISTRICT COURT-II & IST ADDITIONAL
MOTOR ACCIDENT CLAIMS TRIBUNAL , MAVELIKKARA

APPELLANT/PETITIONER: ANEESH AGED 33 YEARS S/O ANANDAN,
KALAPURACKAL KIZHAKKATHIL, THAMALLACKAL THEKKUM MURI,
KUMARAPURAM VILLAGE, KARTHIKAPPALLY TALUK. BY ADV ASHA
ELIZABETH MATHEW RESPONDENT/2ND RESPONDENT: THE
BRANCH MANAGER THE RELIANCE GENERAL INSURANCE
CO.LTD, 1ST FLOOR, VISHNU BUILDING, K.P.VALLON ROAD,

KADAVANTHRA, COCHIN- BY ADVS. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW OTHER PRESENT: ADV P JACOB MATHEW
THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is arising from an award passed by the Additional Motor Accident Claims Tribunal, Mavelikara in O.P.(M.V) No. compensation for the injuries sustained to him in a motor accident that occurred on 19.10.2009. The amount of compensation claimed by the appellant was Rs.2,00,000/-. The Tribunal awarded an amount of Rs. 56,826/- as compensation and the respondent /Insurance Company was directed to deposit the said amount along with interest at the rate of 7.5% per annum from the date of petition till realisation with proportionate cost. Being dissatisfied with the quantum of compensation this appeal is submitted.

2. Heard, Sri. Asha Elizabeth Mathew, the learned counsel appearing for the appellant and Sri.P Jacob Mathew, the learned counsel appearing for the respondent/Insurance Company.

3. The appellant as well as the respondent have filed a

joint statement, indicating that the matter has been settled and as per the terms of settlement, the respondent had agreed to settle the claim of the appellant fully and finally by depositing a further sum of Rs.72,000/-, inclusive of interest and cost. In the light of the aforesaid settlement and joint statement, this appeal is disposed of, modifying the award dated 21/08/2018 in O.P.(M.V) No.243/2011 passed by the Additional Motor Accidents Claims Tribunal, Mavelilkara, by granting an additional compensation of Rs. 72,000/-(Rupees seventy two thousand only), inclusive of interest and cost 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 this judgment, failing which, the said amount will carry interest at the rate of 8% per annum from the date of default. The joint statement will form the part of this judgment. Sd/- ZIYAD RAHMAN A.A JUDGE rpk BEFORE

THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM
MACANo?:2f:tof2o|S Aneesh Appellant Vs. Reliance General Insurance Company
Ltd. Respondent JOINT n4EMo FILED By THE App ELLANT AND RESpo NDENT
IN THE ABovE CASE I. The above appeal is filed by the appellanvclaimant
against the Award dated

Mavelikara seeking enhancement in the award amount. MACT, Mavelikara passed
the aforesaid award granting a compensation of Rs. 56,826 /- with 7.5 % interest
per annum and cost.

2. The matter involved in the appeal has been settled between the parties. The
respondent

agreed to pay a further sum of Rs. 72,000/- which is inclusive of interest and cost
to the Appellant as additional compensation within two months from the date of
receipt of the Judgment failing which the aforesaid amount will carry 8% interest
from the date of expiry of aforesaid two months till the date of payment. Additional
Compensation inclusive of interest and cost agreed to be paid by the Respondent
to the Appellant is Rs. 72,000/- (Rupees Seventy Two Thousand only) Dated this
the 15th day of June, 2023 Appellant: Respondent: \- therefore for RELIANCE
GENERAL INSURANCE CO. WP, Aheerpe Insurance Company Ltd. Advocate
RqN;o:.;gi[Oal,:"90 Counsel for the Appellant `.\` Adv. Asha Elizabeth Mathew
JL-- Counsel for the Respondent Adv. P. Jacob Mathew

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