

Sadasivan vs Ajimon T.D.

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Court : Kerala

Decided On : Dec-22-2023

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

Appeal No. : MACA/3461/2017

Appellant : Sadasivan

Respondent : Ajimon T.D.

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. 3461 OF 2017 AGAINST THE ORDER/JUDGMENT OPMV
250/2015 OF MOTOR ACCIDENT CLAIMS TRIBUNAL PALA
APPELLANT/APPLICANTS: SADASIVAN S/O.KRISHNAN,
KAREETHARA HOUSE, SUMITHALAYAM, MARAVANTHURUTHU,
EDAVATTOM P.O., VAIKOM. BY ADVS. SRI.CYRIAC KURIAN
SRI.JOJO JOSEPH SRI.SUJITH MATHEW JOSE
RESPONDENT/RESPONDENTS:

1 AJIMON T.D. S/O.DEVASIA, THEKKETHADATHIL HOUSE,
KATTACHIRA P.O., ERUMANOOR VILLAGE. 686572. 2 THE NEW

INDIA ASSURANCE CO. LTD. REP. BY ITS BRANCH MANAGER, MUNICIPAL COMPLEX, PALA. 686575. BY ADV SRI.M.M.IRSHAD MOOPAN 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 Motor Accidents Claims Tribunal, Pala in O.P.(M.V) No. 250/2015. The said claim petition was filed by appellant seeking compensation for the injuries sustained to him in a motor accident that occurred on 09.11.2014. The amount of compensation claimed by the appellant was Rs.4,00,000/-. The Tribunal awarded an amount of Rs.1,85,660/- as compensation and the 2nd respondent /Insurance Company was directed to deposit the said amount along with interest at the rate of 7% 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. Cyriac Kurian, the learned counsel appearing for the appellant and Sri.M.M. Irshad Moopan, the learned counsel appearing for the 2nd respondent/Insurance Company.

3. The appellant as well as the 2 nd respondent have filed a

joint statement, indicating that the matter has been settled and as per the terms of settlement, the 2nd respondent had agreed to settle the claim of the appellant fully and finally by depositing a further sum of Rs.1,00,000/-, inclusive of interest. In the light of the aforesaid settlement and joint statement, this appeal is disposed of, modifying the award dated 27.04.2017 in O.P.(M.V) No. 250/2015 passed by the Motor Accidents Claims Tribunal, Pala, by granting an additional compensation of Rs. 1,00,000/-(Rupees one lakh 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 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 HON'BLE HIGH COURT OF KERALA AT EENAKULAM M.A.C.A. No. 3461 of 2017 Sadasiven : Appeuant Vs.

Ajimon T.D. & Anr.. : Respondents JOINT MEMO OF sEm`IEMENT F`IICD By THE APPELIANT AND TIE RESPONDENT IN TIE ABOVE CASE We, the appellants and the respondent insurance company mutually agreed to settle the claim for Rs.1,00,000/-(Rupees One lach only) in full and final settlement of the clain. There is no coercion or undue influence. The respondent shall pay the compensation to the appellant within a period of 90 days from the date of receipt of copy of this order failing which the above amount shall carry interest at the rate of 8% per annum from the date of default onwards.

It is humbly prayed that this Honble Court may be pleased to dispose the appeal recording the above compromise. Dated this the 16th day of November, 2023. or Sndasiwhani R I fu giv * fa. ona Appell arE ra`nd` hFm HREE on Behalf ol :- Tli New India As6uranco Duly cons" Wrm ew India Assurance Co.. Ltd. Respondent bo,3\Q`O r) Counsel ng#ur r`. rq Counsel eAppfllTt.ab ` Ifrot'frb for ktr,`9,.7iifeL qtwo~

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