

Rajeeve, vs Babu Mathew,

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Court : Kerala

Decided On : Mar-18-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : MACA/187/2019

Appellant : Rajeeve,

Respondent : Babu Mathew,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943 AGAINST THE ORDER/JUDGMENT IN OPMV 192/2018 OF MOTOR ACCIDENT CLAIMS TRIBUNAL ,THODUPUZHA APPELLANT/S:

RAJEEVE,AGED 30 YEARS S/O SUKUMARAN,VADAKKEDATH HOUSE, (CHERIYIL)THALAPPULAM P.O.PLASSANAL, NOW RESIDING AT VADAKEDATH HOUSE, THUDANGANADU KARA, MUTTOM VILLAGE. BY ADVS. MATHEWS K.PHILIP SMT.T.MANASY RESPONDENT/S: 1 BABU MATHEW,ARIYAPPILLIL HOUSE,KURIANAD P.O.MARANGATTUPALLY-686 636 2 UNITED INDIA INSURANCE COMPANY LIMITED, REPRESENTED BY ITS

DIVISIONAL MANAGER, DIVISIONAL OFFICE, MUVATTUPUZHA BY ADV SMT.P.A.REZIYA THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The learned counsel appearing for the appellant and the learned counsel appearing for the respondents submit that the subject matter in dispute between the parties in the appeal has been settled between them as per the joint statement dated 22.02.2022 executed by the parties and counter signed by the respective counsel.

2. I have perused the joint memo executed by the

parties and find the same to be in accordance with law. In the result, the appeal is allowed as per the conditions in the joint statement dated 22.02.2022, which shall form part of the judgment. Sd/- C.S.DIAS JUDGE rkc/18.03.22 (BEFORE THE HONOURABLE HIGH COURT OF KERALA AT EENAKULAM MACA No. 187 / 2019 Rajeev Appellant Babu Mathew & another Respondents JOINT STATEMENT FILED BY THE APPELLANT AND THE 1st RESPONDENT

1. The above appeal is filed against the award dated 28.9.2018 in O.P.(MV) No. 192/2018 of MACT Thodupuzha. The original petition is filed by the appellant claiming compensation in respect of the injuries sustained by him in a motor vehicle accident which

occurred on 17.11.2016 involving the Car bearing registration No. KL-35E-3256 insured with the 2nd respondent. The Tribunal had granted a sum of Rs.20,930/- as compensation with interest @ 9% p.a. from the date of petition. It is challenging the quantum of compensation that the above appeal is filed. Since the 2nd respondent had admitted the coverage of the insurance policy in respect of the offending vehicle, the liability to pay the compensation is on the 2nd respondent. The services of notice on the 1st and 2nd respondent were dispensed with at the risk of the appellant by the High Court. Nevertheless, the presence of 1st

1. Respondent is not needed before this Honourable court since the accident and the policy are admitted. Hence the settlement is arrived at, between the appellant and the 2nd Appellant : Rajeev 2nd Respondent : -hfls United India Insurance Company Ltd.

2. The appellant above named and the 2nd 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 2nd respondent arising out of the accident and the original petition mentioned above. It is agreed that the 2nd respondent shall pay an additional amount of Rs.15,000/-(Rupees Fifteen Thousand only) inclusive of all interest and costs to the appellant by way of full and final settlement of all the claims of the appellant against the 2nd respondent.

3. The 2nd respondent hereby agrees to transfer by way of NEFT the above amount of Rs.15,000/-(Rupees Fifteen Thousand only) within a period of 30 days from the date of receipt of the copy of the

judgment from the Honourable High Court, to the following bank

account of the appellant, the details of which Adhar No. 2282 6253 9666, Account No.11440100106181, IFSC Code : FDRL0001144, Federal Bank Limited, Aruvithara Branch, Erattupettah P.O., Pincode : 686122, and the appellant shall provide a true copy of his bank pass book from page and Adhar Card to the 2nd respondent within 10 days from the date of receipt of copy of the judgment from the Honourable High Court for enabling the 2nd respondent to effect the payment of the additional amount, failing which the said amount will carry 9% interest from the date of default. Appellant : Rajeev 2nd Respondent:-.tvS Unite India Insurance Company Ltd.

4. There is no threat, coercion or undue influence in arriving at the

above settlement. There is no mistake in arriving at the settlement either. It is therefore prayed that this Honourable Court to record this joint statement and to pass a judgment in terms thereof. This the 22nd day of February, 2022. *.\`i`,`\`{-i. . Appellant : Advocate : Mathews K. Philip Rajeev Counsel for the appellant ITEiii

2nd respondent: M/S Insurance Company coun:|Viopr.fh.eR2anz:spoident

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