

Rajamma vs Babu Mathew,

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SooperKanoon Citation : sooperkanoon.com/1442829

Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : MACA/190/2019

Appellant : Rajamma

Respondent : Babu Mathew,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY,
THE 24th DAY OF FEBRUARY 2022 / 5th PHALGUNA, 1943 MIACA NO.
19 OF 219 AGAINST THE AWARD ISSUED ON 2.09.2019 BY THE
STATE ACCIDENT CLAIMS TRIBUNAL , THODUPUZHA APPEL
LANT/CLAIMANT :

RAJAMMA AGED 54 YEARS W/O.SUKUMARAN, VADAKKEDATH
HOUSE, THALAPPULAM. P.O. , PLASSANAL, NOW RESIDING AT
VADAKEDATH HOUSE, THUDANGANADU KARA, MUTTOM VILLAGE.
BY ADVS. MATHEWS K.PHILIP SMT . T . MANASY
RESPONDENTS/RESPONDENTS : 1 BABU MATHEW, ARIYAPPILLIL

HOUSE, KURIANAD.P.O., MARANGATTUPAL LY -686636 . 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 24.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: RACA NO. 190 OF 2019 JUDGMENT The appeal is filed by the petitioner in O.P.(M.V) No.191/2018 on the file of the Motor Accidents Claims Tribunal, Thodripuzha, seeking enforcement of compensation.

2. On the suggestion made by this Court, the appellant and the second respondent agreed to explore the possibility of settling their dispute through direct negotiation. 3, Pursuant to the settlement talks held in this Court,

the parties have arrived at an amicable settlement as per the terms and conditions in the Joint Statement dated 11.02.2022, which is signed by the parties and counter signed by the respective counsel.

4. I have perused the Joint Statement dated

11.02.2022 and found that the compensation amount agreed between the parties to be just and reasonable, and MACA NO. 19 OF 219 that the settlement is in accordance with law.

5. In the result, the appeal is allowed as per the terms and conditions in the joint Statement dated 11.02.2022, which shall form a part of the judgment.

6. This Court places on record its appreciation for both the appellant as well as the second respondent - in favour of harmoniously settling the dispute and putting

an end to the litigation, and also for saving precious judicial time. All pending interlocutory applications will stand closed. Sd/- C.S.DIAS JUDGE ram/24/02/2022

bfukgr,- Presented On : c9i)a \ dec\$3 RE TEE HONOURABLE I-IIGH COURT OF KERALA AT EENAKt JLAM -\ MACANo. 190 /2019 # Rajamma Appellant Vs. Babu Mathew & another Respondents IQEJTS,TATEMENT2FH:EPESB#APPELLANTANDTRE A I+i beg evT ite#j# i. gfui I ke i fro y2_ :`zf-l-----`----`-`t- ~[.-jJ` MAIHEWS 'K. PHILIP ADVOCATE K/129/1986 Karithala Road` Cochin - 1 F Ph .. 2321122, 2316188 Counsel for the appellant Counsel for the respondent Ace. ng cx , P . f-a -3_ i+ \\\= K-`3,I 6.his `r=hadyvnth{;vnlp~ =\c-\`a{- givififeA/ K H c fr ffi r I BEFORE TIH HONOURABLE HGH COURT OF KERALA AT ERNAKELAn4 MACA `No. 190 / 2019 Rajamma Appellant Babu Mathew & another Respondents JOENTSTALTEMEN"2ELEESBp%;NDEEENTAPPELANTANDTFFE-

1. The above appeal is filed against the award dated 28.9.2018 in O.P.(MV) No.191/2018 of MACT Thodupucha. The original a

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-35-E-3256 insured with the 2nd respondent. The Tribunal had granted a sum of Rs.5,11,640/-as compensation with interest @ 9% p.a. from the date of petitori. 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 respondent was dispensed with at the risk of the appellant by the High Court. Nevertheless, the presence of 1st 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 respondent.

Appellant : Rajamma 2nd Respondent India Insura] IAMAAn a Company Ltd. Itlut DrtyNhRgr I

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.2,50,000/- (Rupees Two Lakhs Fifty 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. a 3. The 2nd respondent hereby agrees to transfer by way of NEFT the

above amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty 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.6590 7977 2065, Account No.57018866398, IFSC Code :SBTR0000480, State Bank of Travancore, Plassanal, P.B. No.1., 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 a*di#al amount, failing which the said amount will cany 9/o interdsflrfuthe date of rfu ng. `tt]!iiz;M vifef# default. \xp/ Appellant : Rajamma 2nd Respondent : ted India Insuran :REnpi any Ltd. rd* IAXrs REE a a,gde DftyNa,qu i

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.

Dated this the 11th day of February, 2022. EE Advocate Rajamma Counsel for the appellant Vs United India dv. P.A. Raziya Insurance Co ny Limited Counsel for the 2nd respondent wh* u |AVASREE G giv de DeputyManger fe' t#.;ba~~ t# +Li##rfe`d{E *rfeut# fr#3~ i +afutr i ftyi. ut. 5+r.