

Shena vs Saraswathi

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Court : Kerala

Decided On : Mar-31-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : MACA/1796/2020

Appellant : SHENA

Respondent : Saraswathi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944 AGAINST THE ORDER/JUDGMENT IN OPMV 605/2017 OF MOTOR ACCIDENT CLAIMS TRIBUNAL , IRINJALAKUDA APPELLANT/S: MRS.SHENA AGED 35 YEARS W/O.RAJEEV, KAKKANATT HOUSE, EDATHIRUTHI VILLAGE AND P.O., EDATHIRUTHI KOPRAKALAM DESOM, PIN-680703. BY ADVS. V.BINOY RAM SRI.S.SIDHARDHAN RESPONDENT/S: 1 SARASWATHI W/O.SATHEESAN, KONDIYARA HOUSE, CHENDRAPINNI P.O. AND VILLAGE, THRISSUR, PIN-680687. 2 SATHEESAN, S/O.VELAPPAN, KONDIYARA HOUSE, CHENDRAPINNI, MURUKAN CENTRE, CHENDRAPINNI P.O.,

THRISSUR, PIN-680687. 3 THE BRANCH MANAGER, NEW INDIA ASSURANCE COMPANY LTD., NAKKARA COMPLEX, TOWN HALL ROAD, IRINJALAKUDA P.O., PIN-680121. BY ADV SRI.JOHN JOSEPH VETTIKAD THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The appeal is filed by the petitioner in OP(MV) No.605/2017 of the Motor Accidents Claims Tribunal, Irinjalakuda, seeking enhancement of compensation.

2. On the suggestion made by this Court, the appellant and the 3rd respondent agreed to explore the possibility of settling the dispute through direct negotiation.

3. Pursuant to the settlement talks held in this Court,

the above parties have arrived at an amicable settlement, as per the terms and conditions in the joint statement dated 21.03.2022, signed by the parties and counter signed by the respective counsel.

4. I have perused the joint statement and found that

the compensation amount agreed between the parties to be just and reasonable, and that the settlement is in accordance with law. In the result, the appeal is allowed as per the terms and conditions in the joint statement dated 21.03.2022, which shall form part of the judgment. This Court places on record its appreciation for both the appellant as well as the 3rd respondent - insurer in harmoniously settling the dispute and putting an end to the litigation, and also for saving the precious judicial time. Sd/- C.S.DIAS JUDGE rkc/31.03.22 / (1)

BEEQBEBJHEJREE!S!ch!EIEJSEBA!AL4IEBHAE!!AM M.A.C.A. NO.1796 / 2020 ." Appellant Shena Vs. ... Respondents Saraswathi and others BY THE AND THE _3LBEse QRE

1. The above appeal is filed against the award dated 25J)9-2019 in

O.P. (MV) No. 605/2017 Of the M.A.C.T. Irinjalakuda. The original petition is filed by the appellant claiming compensation in respect of the injuries sustained by her in a motor vehicle accident which occurred on 01-04-2017 involving an autorickshaw bearing registration No. KL-47/F-6438 insured with the 3rd respondent. The Tribunal had granted Rs.2,94,700/- as compensation along with interest @ 9% p.a. from 19-05-2017 onwards. It is challenging the quantum of compensation that the above appeal is filed.

2. The 1st and 2nd respondents have not appeared in the appeal. Since the 3rd respondent has admitted the coverage of the insurance policy in respect of the offending vehicle, the liability to pay the compensation is on the

3rd respondent. Hence the settlement is arrived at between the appellant and the 3rd respondent. In the settlement, the appellant has agreed to pay the compensation on behalf of M/s New In EL Assurance (2)

3. The appellant and the 3rd 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 3rd respondent arising out of the accident and the original petition mentioned above. It is agreed that the 3rd respondent shall pay an additional amount of Rs. 2,35,000/- (Rupees two lakhs and thirty five 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 respondent.

4. The respondent hereby agrees to transfer by way of NEFT the above amount of Rs. 2,35,000/- (Rupees two lakhs and thirty five thousand only) within a period of 30 days from the date of receipt of the copy of the

judgment from the Hon'ble High Court, in the bank account of the appellant.

The appellant shall provide a true copy of her bank passbook, Aadhaar card and Pan card to the respondent within 15 days of receipt of copy of the

judgment from the Hon'ble High Court to effect payment. 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 21st day of March, 2022 B,n.,or Counsel for the Appellant ifetx Tit TH 5. TH. id. ra` :su` ,.-l e ccrpe ir^ , l-i art RespondentingNew`fithfameY Vettikad i3ifE/fteyrdpiwlf, trwAVvmQ. u; u4d '

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