

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943

MACA NO. 3918 OF 2016

AGAINST THE ORDER/JUDGMENT IN OPMV 841/2013 OF MOTOR ACCIDENT

CLAIMS TRIBUNAL , IRINJALAKUDA

APPELLANT/S:

DOLPHY
S/O.JOHN, VADASSERY HOUSE, KORMALA DESOM, KUTTICHIRA
VILLAGE & P.O, MUKUNDAPURAM TALUK.

BY ADVS.
SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENT/S:

THE UNITED INDIA ISURANCE COMPANY LTD
ELOOR ROAD, KALAMASSERY-683104.

BY ADV SRI.P.MURALEEDHARAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The appeal is filed by the petitioner in OP(MV) No.841/2013 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda, seeking enhancement of compensation.

2. On the suggestion made by this Court, the appellant and the 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 joint statement dated 10.02.2022, 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 10.02.2022, which shall

form part of the judgment. This Court places on record its appreciation for both the appellant as well as the 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/28.02.22

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM

M.A.C.A.No. 3918/2016

Dolphy

Appellant

Vs.

The United India Insurance :
Company Ltd

Respondent

JOINT STATEMENT FILED BY THE APPELLANT AND THE RESPONDENT

1. The above appeal is filed against the award in O.P(MV) No. 841/2013 dated 18/8/2016 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda. The original petition is filed by the appellant claiming compensation in respect of the personal injuries sustained by her in a road traffic accident occurred on 16/6/2013 at about 7.00 pm while the appellant was travelling as a pillion rider in a scooter bearing No. KL-64-347 through Vellikulangara-Kormala road and when the vehicle reached near the place of occurrence the rider lost control and vehicle capsized. The Tribunal had granted Rs. 2,50,500/- as compensation along with interest @ 9% p.a. from the date of claim petition. It is challenging the quantum of compensation that the above appeal is filed. Since the respondent had admitted the coverage of the insurance policy in respect of the offending vehicle, the liability to pay the compensation is on the respondent. Hence the settlement is arrived at between the appellant and the respondent.

Appellant :

Dolphy



Respondent: United India Insurance Company Ltd



अरुण पी. एन.
ARUN P. N.
प्रबन्धक / Manager

2. The appellant above named and the 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 respondent arising out of the accident and the original petition mentioned above. It is agreed that the respondent insurance company shall pay an additional amount of Rs. 1,75,000/- (Rupees One Lakhs Seventy Five Thousand Only) inclusive of all interest and cost to the appellant by way of full and final settlement of all the claims of the appellant against the respondent.
3. The respondent hereby agrees to deposit the above amount before the Tribunal within a period of 2 months from the date of receipt of a copy of the judgment from the Hon'ble High Court, in case of default as stated above the respondent is liable to pay interest @ 8% from the date of defaulter.
4. There is no threat coercion or undue influence in arriving at the above settlement. This settlement will form part of the judgment of the Hon'ble High court of Kerala.

Dated this the 10th day of February, 2022

Appellant :

Dolphy DS

Respondent: United India Insurance Company Ltd

A.N.Santhosh
A.N.Santhosh
Counsel for the Appellant

ARUN P. N.
अरुण पी. एन.
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प्रबन्धक / Manager

P. Muraleedharan
P. Muraleedharan
Counsel for the respondent

