

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA, 1946

MACA NO. 2433 OF 2022

AGAINST THE COMMON AWARD DATED 21.05.2022 IN OPMV NO.1932

OF 2016 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR

APPELLANTS/PETITIONERS:

SREETHU RATHEESH,
AGED 27 YEARS,
D/O. LATE JAYAN, THALAPILLY HOUSE, P.O.
AKATHIYOOR, THRISSUR, PIN - 680519

BY ADVS.
A.R.NIMOD
M.A.AUGUSTINE

RESPONDENTS/RESPONDENTS:

- 1 JAFAR ALI,
S/O.ABDU, VADAKKEKKARA HOUSE,
UDIPARAMPOYIL, CHOKKAD, NILAMBUR, MALAPPURAM,
PIN - 676 525.
- 2 MUHAMMED NOUFAL.K.T,
S/O.MUHAMMEDALI, KOLTHODI HOUSE, P.O.
CHEMMANIYODE, MELATOOR,
MALAPPURAM, PIN - 679 325.
- 3 NEW INDIA ASSURANCE COMPANY LTD.,
OPP. LITTLE FLOWER, ENGLISH SCHOOL, JANATHAPADY,
NILAMBUR, MALAPPURAM - 676 329, REPRESENTED BY
ITS BRANCH MANAGER.

BY ADV PREETHY R. NAIR

SC-SRI. LAL K JOSEPH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 27.03.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

C.S.SUDHA, J.

MACA No.2433 of 2022

Dated this the 27th day of March 2024

J U D G M E N T

The matter is settled between the parties. Joint statement dated 16/03/2024 filed is taken on record. The appeal is disposed of in terms of the joint statement. The joint statement shall form part of the judgment and decree.

**Sd/-
C.S.SUDHA
JUDGE**

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**BEFORE THE HON'BLE HIGH COURT OF KERALA, AT
ERNAKULAM**

M.A.C.A. NO. 2433 / 2022

Sreethu Ratheesh : **Appellant/Petitioner.**

Vs.

Jafar Ali and Others : **Respondents/Respondents.**

**JOINT STATEMENT FILED BY THE APPELLANT AND THE
3rd RESPONDENT**

1. The above appeal is filed by the claimant against the award dated 21.05.2022 in O.P.(MV) No.1932/2016 on the file of the Motor Accident Claims Tribunal, Thrissur. The Tribunal awarded an amount of Rs.19,00,400/- as compensation along with interest and directed the 3rd respondent The New India Assurance Company Ltd. to deposit the amount.

2. The claimant has filed the present appeal challenging the quantum of compensation. The appellant above named and The New India Assurance Company Ltd. 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 appellants against the The New India Assurance Company Ltd. arising out of the accident and the original petition mentioned above.

3. It is agreed that The New India Assurance Company Ltd. shall pay an additional amount of Rs.4,00,000/- (Rupees Four lakhs only) inclusive of all interest and costs to the appellant by way of full and



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**For and on Behalf of:-
THE NEW INDIA ASSURANCE CO. LTD.**

[Handwritten signature]

Duly Constituted Attorney

final settlement of all the claims of the appellant against The New India Assurance Company Ltd. (3rd respondent).

4. The 3rd respondent shall deposit the said amount before Motor Accident Claims Tribunal, Thrissur.

5. The The New India Assurance Company Ltd. will deposit the above amount of Rs.4,00,000/- (Rupees Four lakhs only) within a period of one month from the date of receipt of the copy of the judgment from the Hon'ble High Court before Motor Accident Claims Tribunal, Thrissur for withdrawal by the appellant. If the amount is not paid within the period of one month as stated above the enhanced amount would carry interest @ 8% p.a. from the date of default.

6. 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 16th day of March, 2024

Appellant:



Sreethu Ratheesh, aged 27 years,
D/o. Late Jayan,
Thalapilly House, P.O.
Akathiyoor, Thrissur- 680 519

Counsel for Appellant

Adv Nimod A.R

For and on Behalf of:-
THE NEW INDIA ASSURANCE CO. LTD.


Duly Constituted Attorney



For and on Behalf of:-
THE NEW INDIA ASSURANCE CO. LTD.



3rd Respondent:

[Signature]
Duly Constituted Attorney

The New India Assurance Company Ltd Adv. Preethy Nair

[Signature] K/1553/1999
Counsel for the 3rd respondent