



2024:KER:80587

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

TUESDAY, THE 29TH DAY OF OCTOBER 2024 / 7TH KARTHIKA, 1946

MACA NO. 1472 OF 2024

AGAINST THE AWARD DATED 17.03.2023 IN OPMV NO.995 OF
2019 OF MOTOR ACCIDENT CLAIMS TRIBUNAL , THALASSERY

APPELLANT/PETITIONER:

NIVED P.V
AGED 32 YEARS
S/O. BHASKARAN P., ODIYATHIL HOUSE,
19TH MILE, CHAVASSERY P.O., KANNUR DISTRICT.,
PIN - 670702

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

RESPONDENTS/RESPONDENTS:

- 1 DHANESH E.V
S/O. M. HEMACHANDRAN, RESIDING AT ANASWARA,
19TH MILE, CHAVASSERY P.O., KANNUR DT,
PIN - 670702
- 2 ORIENTAL INSURANCE COMPANY
DIVISIONAL OFFICE, VII, NO. 377, ANNA SALAL,
R R COMPLEX, III FLOOR, TEYNAMPET, CHENNAI,
TAMILNADU., REPRESENTED BY BRANCH MANAGER., PIN -
600018



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BY ADV RENIL ANTO KANDAMKULATHY

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 29.10.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**



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JUDGMENT

The appellant is the claimant in O.P.(MV) No.995 of 2019 on the file of the Motor Accidents Claims Tribunal, Thalassery. The said claim petition was filed by the appellant claiming an amount of Rs.10,00,000/- as compensation for the injuries sustained by him in a motor accident on 05.03.2019. The Tribunal awarded an amount of Rs.11,60,000/- as compensation under different heads, directing the second respondent insurer to deposit the said amount along with interest at the rate of 8% per annum from the date of filing the claim petition till realization. Being dissatisfied with the compensation awarded, the appellant has come up in appeal.

2. Today, when the matter came up for consideration, the learned counsel for the appellant as well as the learned Standing Counsel for the second respondent insurer submitted that they have filed a joint statement dated 29.08.2024, wherein it is stated that the claim of the appellant



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has been settled by the second respondent insurer, agreeing to deposit a further amount of Rs.95,000/-, including interest as additional compensation in the account of the appellant, within a period of three months from the date of receipt of a copy of this judgment, failing which, the said amount will carry interest at the rate of 8% per annum from the date of default.

3. In the light of the joint statement filed by the parties, the impugned award is modified by directing the second respondent insurer to deposit an amount of Rs.95,000/-, (Rupees Ninety Five Thousand Only) including interest as additional compensation before the Tribunal, within a period of three months from the date of receipt of a copy of this judgment, failing which, the said amount will carry interest at the rate of 8% per annum from the date of default. The claimant shall furnish copies of the PAN Card, AADHAAR Card and bank details before the second respondent insurer within a period of one month from the date of receipt of a certified copy of this judgment so as to enable the insurance company to make the



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deposit as ordered above. In case of failure to furnish details as above, it shall be open for the insurance company to deposit the said amount before the Tribunal.

The appeal is disposed of, in terms of the joint statement as above. The joint statement will form part of the judgment.

Sd/-

SHOBA ANNAMMA EAPEN

JUDGE

RK

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

M.A.C.A. NO. 1472 / 2024

Nived P. V

: Appellant/Petitioner.

Vs.

Dhanesh E V *& Another*

: Respondents/Respondents

JOINT STATEMENT FILED BY THE APPELLANT AND THE
2nd RESPONDENT

1. The above appeal is filed by the claimant against the award dated 17.03.2023 in O.P.(MV) No. 995/2019 on the file of the Motor Accident Claims Tribunal, Thalassery. The Tribunal awarded an amount of Rs.11,59,506/- as compensation along with interest and directed the 2nd respondent M/s. The Oriental Insurance Co. Ltd. to deposit the amount.

2. The claimant has filed the present appeal challenging the quantum of compensation. The appellant above named and M/s. The Oriental Insurance Co. 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 appellant against the M/s. The Oriental Insurance Co. Ltd. arising out of the accident and the original petition mentioned above.

3. It is agreed that M/s. The Oriental Insurance Co. Ltd. shall pay an additional amount of Rs.95,000/- (Ninety five thousand rupees only) inclusive of all interest and costs to the appellant by way of full and

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कृते दि ओरिएण्टल इश्योरस कम्पनी लिमिटेड
For THE ORIENTAL INSURANCE CO. LTD.

[Signature]
अधिकृत हस्ताक्षर / Authorised Signatory



final settlement of all the claims of the appellant against M/s. The Oriental Insurance Co. Ltd. (2nd respondent).

4. The 2nd respondent shall deposit the said amount by way of account transfer to the appellants account, the details of which will be provided along with joint statement.

5. The M/s. The Oriental Insurance Co. Ltd. will deposit the above amount of Rs.95,000/- (Ninety five thousand rupees only) within a period of three months from the date of receipt of the copy of the judgment from the Hon'ble High Court before the Tribunal. If the amount is not paid within the period of three months as stated above the said settled 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 th29 day of August, 2024



कृते दि ओरिएण्टल इन्सुरेंस कम्पनी लिमिटेड
For THE ORIENTAL INSURANCE CO. LTD.

अधिकृत हस्ताक्षर / Authorised Signatory

Appellant:

Nived P.V., S/o. Bhaskaran P.,
aged 33 years,
Postman E D by Profession,
Odiyathil House,

Counsel for Appellant

Adv Nimod A.R

19th Mile, Chavassery P.O., Pin-
670702, Kannur District..

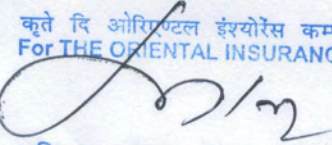
2nd Respondent:

Counsel for the 2nd respondent

M/s. The Oriental Insurance Co.
Ltd.

Adv. Renil Anto Kandakulathy

कृते दि ओरिएण्टल इश्योरेंस कम्पनी लिमिटेड
For THE ORIENTAL INSURANCE CO. LTD.



अधिकृत हस्ताक्षर / Authorised Signatory



12/11/2019/95