

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 11.05.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Tr. CMP. Nos.264 to 281 of 2020

M/s. Chola mandalam MS Genl Ins Co Ltd,
No:154, Shaw Wallace building,
Thambu Chetty Street,
Chennai – 600001.

.....**Petitioner in all Tr. CMPs**

.Vs.

- 1.Mr. Ayyannar S (MCOP No. 5259 of 2019) Respondents in
Tr.CMP No.264/2020
- 2.Mr.Vinayaga Moorthy & 3 others (MCOP No.445 of 2020) Respondents in
Tr.CMP No.265/2020
3. Mr. Raghupathi (MCOP No. 793 of 2016) Respondents in
Tr.CMP No.266/2020
4. Mr. Veerasamy (MCOP No. 414 of 2019) Respondents in
Tr.CMP No.267/2020
5. Mr. Balu (MCOP No. 576 of 2019) Respondents in
Tr.CMP No.268/2020
6. Mr. M Pandian (MCOP No. 13 of 2016) Respondents in
Tr.CMP No.269/2020

7. Mrs. Alamelu (MCOP No. 433 of 2019) Respondents in
Tr.CMP No.270/2020
8. Mrs. Manjula (MCOP No. 436 of 2019) Respondents in
Tr.CMP No.271/2020
9. Mrs. Jayalakshmi (MCOP No. 437 of 2019) Respondents in
Tr.CMP No.272/2020
10. Mr. Minor , Ajay (MCOP No. 253 of 2019) Respondents in
Tr.CMP No.273/2020
11. Mr. Kandhasamy (MCOP No. 254 of 2019) Respondents in
Tr.CMP No.274/2020
12. Mr. Palani (MCOP No. 660 of 2019) Respondents in
Tr.CMP No.275/2020
- 13 Mr. Pattan@ Pattappan (MCOP No. 265 of 2019) Respondents in
Tr.CMP No.276/2020
14. Mr. Somasundaram (MCOP No. 266 of 2019) Respondents in
Tr.CMP No.277/2020
15. Mr. Shanmugam (MCOP No. 267 of 2019) Respondents in
Tr.CMP No.278/2020
16. Mr. Gopalakrishnan (MCOP No. 268 of 2019) Respondents in
Tr.CMP No.279/2020
17. Mr. Rathinamoorthi (MCOP No. 269 of 2019) Respondents in
Tr.CMP No.280/2020
- 18 Mr. Saravanan S (MCOP No. 2721 of 2019) Respondents in
Tr.CMP No.281/2020

...Respondents in Tr.CMPs/Petitioners in MCOPs

1) Prayer in Tr.CMP No.264 /2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 5259 of 2019, on the file of the learned Motor Accidents Claims Tribunal III Judge, Court of Small Causes, Chennai.

2) Prayer in Tr.CMP No.265/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 445 of 2020, on the file of the learned Motor Accidents Claims Tribunal, Chief Court of Small Causes, Chennai.

3) Prayer in Tr.CMP No.266 /2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 793 of 2016, on the file of the learned Motor Accidents Claims Tribunal/ Chief Judicial Magistrate Court, Perambalur.

4) Prayer in Tr.CMP No.267 /2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No.414 of 2019, on the file of the learned Motor Accidents Claims Tribunal, Subordinate Judge, Perambalur.

5) Prayer in Tr.CMP No.268/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 576 of 2019, on the file of the learned Motor Accidents Claims Tribunal, Subordinate Judge, Perambalur.

6) Prayer in Tr.CMP No.269/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 13 of 2016 , on the file of the learned Motor Accidents Claims Tribunal Principal subordinate Judge, Mayiladuthurai.

7) Prayer in Tr.CMP No.270/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C ., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 433 of 2019, on the file of the learned Motor Accidents Claims Tribunal/ III Additional District Judge, Kallakuruchi.

8) Prayer in Tr.CMP No.271 /2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 436 of 2019, on the file of the learned Motor Accident Claims Tribunal, III Additional District Judge, Kallakurichi.

9) Prayer in Tr.CMP No.272 /2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 437 of 2019, on the file of the learned Motor Accidents Claims Tribunal, III Additional District Judge, Kallakuruchi.

10) Prayer in Tr.CMP No.273/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 253 of 2019, on the file of the learned Motor Accidents Claims Tribunal/ Sub Court, Rasipuram.

11) Prayer in Tr.CMP No.274/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 254 of 2019, on the file of the learned Motor Accidents Claims Tribunal/ Sub Court, Rasipuram.

12) Prayer in Tr.CMP No.275/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 660 of 2019 , on the file of the learned Motor Accident Claims Tribunal /Sub Court, Ponneri.

13) Prayer in Tr.CMP No.276/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 265 of 2019 , on the file of the learned Motor Accidents Claims Tribunal / Subordinate Judge,

Dharapuram.

14) Prayer in Tr.CMP No.277/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 266 of 2019 , on the file of the learned Motor Accidents Claims Tribunal / Subordinate Judge, Dharapuram.

15) Prayer in Tr.CMP No.278/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 267 of 2019, on the file of the learned Motor Accidents Claims Tribunal / Subordinate Judge, Dharapuram.

16) Prayer in Tr.CMP No.279/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 268 of 2019 , on the file of the learned Motor Accidents Claims Tribunal / Subordinate Judge, Dharapuram.

17) Prayer in Tr.CMP No.280/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 269 of 2019 , on the file of the learned Motor Accidents Claims Tribunal / Subordinate Judge, Dharapuram.

18) Prayer in Tr.CMP No.281/2020:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Article 227 of The Constitution of India , to withdraw and transfer the petition in MCOP No. 2721 of 2019, on the file of the learned Motor Accidents Claims Tribunal / II Court of Small Causes, Chennai.

For Petitioners : Mr R. Sankaranarayanan,
Senior Advocate, **(in 2 Tr.CMPs)**
(in Tr. CMP Nos.275 & 277/2020 against
MCOP Nos.660 of 2019 & 266 of 2019).

Mr. N.Vijayaraghavan (in 14 Tr. CMPs)
(in Tr.CMP Nos.264,266,267,268,269,270,271,272,
274,276,278,279,280/2020 & 281/2020 against
MCOP Nos.5259/2019,793/2016,414/2019,576/2019,
13/2016,433/2019,436/2019,437/2019,254/2019,
265/2019,267/2019,268/2019,269/2019 & 2721/2019.

Mr V. Lakshminarayanan (1 Tr.CMP)
(in Tr. CMP No.273/2020 against MCOP No.253/2019).

Mr N.P. Vijayakumar (1 Tr.CMP)
(in Tr. CMP No.265/2020 against MCOP No. 445/2020)

COMMON ORDER

The Petitioner Insurer has filed 18 Memos dated 07/05/2020 in relation to 18 MCOPs, pending on the file of various Claims Tribunals in Tamil Nadu, as tabulated below. The said tabulation also indicates the amounts for which each of the claimants in the 18 MCOPs have agreed for compromise.

S.No	MCOP No.	Court Name	Petitioner Name	Petitioner Advocate	Petitioner Advocate's Phone No.	Amount in full quit (Rs.)
1	5259/2019	III Court of Small Causes, Chennai Chief Court,	Ayyannar S	P Iyyappan and R Mohan Babus	9840261235	55,000/-
2	445/2020	Court of Small Causes, Chennai	Vinayaga Moorthy & 3 others	Saravanabhava Associates	9025547407	11,30,000/-
3	793/2016	Chief Judicial Magistrate	Raghupathi	PV Shankar	9842993920	3,10,000/-

		Court, Perambalur Subordinate				
4	414/2019	Judge, Perambalur Subordinate	Veerasamy	PV Shankar	9842993920	75,000/-
5	576/2019	Judge, Perambalur Principal Subordinate	Balu	Thirunavukkarasu	9443416504	3,50,000/-
6	13/2016	Judge, Mayiladuthu rai III Additional District	Pandian	S Sundaraiya	9443853722	2,30,000/-
7	433/2019	Judge, Kallakuruchi III Additional District	Alamelu	Paneerselvam	6374897765	1,75,000/-
8	436/2019	Judge, Kallakuruchi III Additional District	Manjula	Paneerselvam	6374897765	25,000/-
9	437/2019	Judge, Kallakuruchi	Jayalakshmi	Paneerselvam	6374897765	7,20,000/-
10	253/2019	Sub Judge , Rasipuram	Minor Ajay	Sakthivel	9442277707	2,50,000/-
11	254/2019	Sub judge , Rasipuram	Kandhasamy	Sakthivel	9442277707	1,55,000/-
12	660 of 2019	Sub Court, Ponneri Subordinate	Palani	Manoharan K	9444363908	1,85,000/-
13	265/2019	Judge, Dharapuram Subordinate	Pattan @ Pattappan	Mr.Balasbramaniyan & Thennarasu	9443475959	1,80,000/-
14	266/2019	Judge, Dharapuram	Somasundaram	Mr.Balasbramaniyan & Thennarasu	9443475959	70,000/-
15	267/2019	Subordinate	Shanmugam	Mr.Balasbramaniyan	9443475959	2,82,000/-

		Judge, Dharapuram Subordinate		& Thennarasu		
16	268/2019	Judge, Dharapuram Subordinate	Gopalakrishnan	Mr.Balasbramaniyan & Thennarasu	9443475959	23,500/-
17	269/2019	Judge, Dharapuram Subordinate	Rathinamoorthi	Mr.Balasbramaniyan & Thennarasu	9443475959	20,000/-
18	2721/2019	II Court of Small Causes, Chennai	Saravanan S	Tamil Amudhu V	9841725010	1,60,000/-

2.The Petitioner has relied upon the Orders of this Court dated 05/05/2020 made in Tr. CMP No 231/2020 (Batch). As per the said Judgment, by a detailed Order with reasons, this Court had accepted a similar Memo filed by this Insurance Company M/s Cholamandalam MS General Insurance Co Ltd., and permitted withdrawal of 23 such Motor Accident Claim Petitions (MCOPs) and recorded compromise of those claims, as agreed to by the Parties.

3.This court approved the consent of the Insurer *vide* Memo and the consent of the claimants *vide* WhatsApp Messages through the counsel for the claimants, in all the 23 MCOPs. This Court, upon such satisfaction, granted the relief and recorded compromise of the 23 MCOPs claims, at the instance of M/s Cholamandalam MS General Insurance Co Ltd.

4.In respect of these 18 Memos dated 07/05/2020, the Petitioner Insurance Company, M/s Cholamandalam MS Insurance Co Ltd., has confirmed its consent for compromising all the 18 MCOPs as per the amounts indicated in the tabulation drawn above.

5.In respect of the consent of the claimants, the Insurer has produced the same in the form of WhatsApp messages, through the said counsels for the claimants, agreeing for the respective amounts in the tabulation above.

6.In the 18 Memos dated 07/05/2020, the insurer has confirmed that the consent between the parties is true and genuine. The counsel for the claimants have confirmed to the insurer that the 18 WhatsApp messages have been sent with the consent of the respective claimants.

7.The said claimants, for lack of immediate internet access, have not sent their individual consents to their counsel. However, the insurer and the counsel for the claimants have submitted, that the claimants are agreeable for the compromise and the consent letters by sent by Whatsapp, by their counsels be accepted as consent for the same. The names of the counsels for the claimants has been furnished with their respective Mobile Numbers.

8.I am satisfied that there is *consensus ad idem* for this compromise between the parties, and for recording the same in the 18 MCOPs. This

Court does not feel the need to reiterate the detailed reasons given by it, in the orders dated 05/05/2020 in Tr. CMP No 231/2020 (Batch). The said reasons are fully applicable for granting the reliefs to the parties in these cases also.

9. At the conclusion of the hearing of this case, it was brought to the notice of this Court that its Registry was being saddled with the task of drafting decrees in several thousands of appeals arising out of The Motor Vehicles Act, 1988. The procedure for drafting and preparation of a decree is contained in Order XX of the Civil Procedure Code, 1908. Since these appeals emanate from awards passed by Motor Accident Claims Tribunals, which are not Civil Courts but Statutory Tribunals with limited jurisdiction, a serious doubt arose as to whether an award passed by the Motor Accident Claims Tribunal (MACT) can be equated to a decree passed by a civil court under The Code of Civil Procedure, 1908. Since the question is one of importance, this Court decided to examine the issue threadbare. This Court sought the assistance of the learned counsel appearing on behalf of the petitioners to enlighten this court on this legal issue. The learned senior counsel and the counsel appearing in the respective appeals made elaborate arguments and also circulated written submissions. This court therefore, had the advantage of having before it, the oral submissions as well as the written submissions in order to decide this important legal issue.

10.The Motor Accident Claims Tribunal is a statutory tribunal constituted under Section 168 of Chapter XII of The Motor Vehicles Act, 1988 for the purposes of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party. The adjudicative powers of the Tribunal commence with the presentation of an “*application for compensation*” under Section 166. The Tribunal is then vested with powers under Section 169 of the Act to fix the liability and determine the quantum of compensation by following the procedure laid down in Section 168 of the Act. Section 169 of the Act provides for a summary procedure of enquiry.

11.Upon receipt of an application under Section 166, the Tribunal is required to give notice of the application to the insurer, and after giving the parties, including the insurer, an opportunity of being heard, hold an enquiry into the claim. Under Section 169(2) of the Act, the Tribunal has been vested with the limited powers of a civil court for the purposes of taking evidence on oath, enforcing the attendance of witnesses, discovery and inspection etc. Certain limited powers have also been conferred under the Rules, which will be noticed a little later.

12.From a close reading of Sections 166 and 168 of the Act the following propositions emerge :

- (a) The Tribunal receives an application for compensation under Section 166 which it proceeds to determine summarily by adhering to the principles of natural justice.
- (b) At the conclusion of its enquiry, the Tribunal may make an award subject to the provisions of section 162.
- (c) An award under Section 166 & 168 of the Act shall determine the amount of compensation which appears to be just, and specify the person or persons to whom payment should be made. It should also specify the amount which shall be paid by the insurer or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be.
- (d) Where the application under Section 166 makes a claim for compensation under Section 140, the claim shall be disposed of in accordance with the provisions of Chapter X.
- (e) Copies of the award shall be delivered to the parties within 15 days from the date of the award.
- (f) When an award is made, the person liable to pay the amount under the award shall deposit the entire amount within thirty days from the date of announcement of the award by the Tribunal.

13. Neither the Act nor the Tamil Nadu Motor Accidents Claims Tribunal Rules, 1989 define an "Award". The expression, however, fell for consideration before a five judge bench of the Madhya Pradesh High Court in

***Oriental Insurance Co. Ltd. v. Chintaman*, 1995 MP LJ 259**, where U.L

Bhat, CJ observed as under:

12. “Award” is explained in Black's Law Dictionary, Fourth Edition, at Page 174 as meaning— “to grant, concede, or adjudge to; to give or assign by sentence or judicial determination.....the decision or determination rendered by arbitrators or commissioners, or other private or extrajudicial deciders, upon a controversy submitted to them; also the writing or document embodying such decision.” **An award, as generally understood, is a document incorporating the adjudication or determination of a matter in dispute by person competent to adjudicate or determine the dispute.** There is nothing in Chapter X or XII of the Act to indicate that any different meaning has been attributed to the expression in section 173 of the Act. The decision of liability under section 140 is an award which can be challenged under section 173.

The Motor Vehicles Act, 1988 does not define an award. It must, therefore, follow that the expression ‘award’ contained in the provisions referred to above carries its general meaning and content. A decision under section 140 is a decision on a claim for compensation thereunder. It must be passed after following the procedure contemplated in section 166(2) of the Act. It must indicate the findings and the reasons, at least briefly. These attributes of “determination” of a claim under section 140 would certainly make the “determination” an award for the purpose of sections 166 as well as 173 of the Act.”

14. What is, therefore, clear is that the Tribunal is required to pass an award which, as noticed by the Madhya Pradesh High Court, is a document incorporating the adjudication or determination of matter in dispute (*in this case the liability and the quantum of compensation*) by a person competent to adjudicate it (*which, in the instant case, is the MACT*).

15. At this juncture, it is necessary to notice the expressions “*judgment*” “*order*” and “*decree*” as defined in the Code of Civil Procedure, 1908.

Section 2(9) :

“*judgment*” means the statement given by the Judge of the grounds of a decree or order;

Section 2 (14)

“*order*” means the formal expression of any decision of a Civil Court which is not a decree;

Section 2(2):

“*decree*” means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include—

1. any adjudication from which an appeal lies as an appeal from an order, or
2. any order of dismissal for default.

Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

16. On a fair reading of the Act, it is clear that the Tribunal cannot be equated to a Civil Court. In fact, Section 175 of the Act clearly points to the opposite when it bars the civil court from entertaining any question relating to any claim that may be adjudicated by a Claims Tribunal. The proceeding before the Tribunal is not a suit for it is not commenced by the presentation of a plaint but by way of an application under Section 166. The Act and the

Rules have only clothed the Tribunal with certain trappings of a Civil Court. For instance, Rule 21 of the 1989 Rules expressly makes only Order V, IX, XIII, XVI, XVII and XXIII of C.P.C, applicable to the proceedings before the Tribunal. By way of a deeming fiction, Rule 22 clothes the Tribunal with the powers of a Civil Court to execute its award. The fiction extends to construing an award as a decree only for the purposes of execution. What is conspicuously absent in Rule 21 is the application of Order XX of the Code which contemplates the drawing up of a decree and furnishing of a certified copy of the judgment and decree to the parties. Consequently, neither the Act nor the 1989 Rules contemplates a procedure of drawing up of decrees by the Claims Tribunal.

17. Turning now, to the Tamil Nadu Motor Accidents Claims Tribunal Rules, 1989 (**the Rules**), it may be noticed that the terms “*judgment*”, “*order*” and “*award*” are used rather vaguely. For instance, Rule 20 requires the Tribunal to “*pass an order*” “*on a judgment*” containing findings on each of the points framed and then make “*an award*”. A fair reading of Rule 20 shows that it is consistent with Section 168 of the Act in requiring that the final product of the Tribunal’s adjudication is “*an award*” and not a decree.

18. The issue can also be examined from another angle. The High Court’s power to frame rules and regulations for Courts and Tribunals subordinate to it can be traced to Article 227 of the Constitution or Section

122 of The Code of Civil Procedure, 1908 or Section 477 of the Code of Criminal Procedure, 1973. The Motor Vehicles Act, 1988 is a Central legislation falling within the net of Entry 35 of List III of the Constitution. A close reading of its provisions would show that rule making power under the Act has been conferred on the State Government and not on the High Court.

Section 176 of the Act, reads as follows:

“176. Power of State Government to make rules — A State Government may make rules for the purpose of carrying into effect the provisions of sections 165 to 174, and in particular, such rules may provide for all or any of the following matters, namely:—

- 1. the form of application for claims for compensation and the particulars it may contain, and the fees, if any, to be paid in respect of such applications;*
- 2. the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;*
- 3. the powers vested in a Civil Court which may be exercised by a Claims Tribunal;*
- 4. the form and the manner in which and the fees (if any) on payment of which an appeal may be preferred against an award of a Claims Tribunal; and*
- (e) any other matter which is to be, or may be, prescribed.”*

In exercise of these powers the State Government has framed the Tamil Nadu Motor Vehicles Claims Tribunal Rules, 1989 setting out the procedure to be followed by the Tribunals. As already noticed, Rule 21, which is traceable to the power conferred under Section 176 (c) of the Act, confers limited powers of a Civil Court by making orders Order V, IX, XIII, XVI, XVII and XXIII of C.P.C, applicable to the proceedings before the Tribunal. The form and contents of a decree are set out in

Order XX Rule 6 read in tandem with Rule 84 of the Civil Rules of Practice. However, as Order XX has not been made applicable to the Claims Tribunal it follows that the Tribunal cannot pass a decree which is a power conferred on a civil court.

19.It should also be noted that while dealing with “No fault liability” under Chapter X, the Claims Tribunal is required to follow the procedure of a criminal court. Rule 25 of the Rules runs thus:

“25. (1) The Claims Tribunal shall follow the procedures of summary trial as contained in the Code of Criminal Procedure 1973 (Central Act 2 of 1974) for the purpose of adjudicating and awarding a claim under Chapter X of the Act”

Thus, while dealing with cases under Chapter X of the Act, the Tribunal is required to follow the procedure set out in Chapter XXI of the Code of Criminal Procedure, 1973. The Tribunal is then required to pass an “award” in the mode and manner specified in Rule 20 of the Rules.

20.The Madras High Court derives its powers from the Amended Letters Patent of 1865. Clause 37 of the Letters Patent reads as under:

“37. Regulation of proceedings: - And we do further ordain that it shall be lawful for the said High Court of Judicature at Madras from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its Admiralty, Vice-Admiralty testamentary, intestate and matrimonial jurisdiction respectively:

Provided always, that the said High Courts shall be guided in making

such rules and orders as far as possible by the provisions of the Code of Civil Procedure, being an Act passed by the Governor-in-Council, and being Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.”

Clause 37, therefore, makes it clear that while framing rules and regulations the High Court must be guided by the provisions of the Code of Civil Procedure, or any other law which is made by a competent legislative authority. However, as indicated supra, a proceeding before the Claims Tribunal is not a proceeding instituted before a Civil Court under the Code of Civil Procedure by the presentation of a plaint. The law applicable to the Claims Tribunal is the Motor Vehicles Act, 1988 and the Rules. In exercising its jurisdiction under the statute, the Tribunal is bound to act fairly and observe the principles of natural justice but is not bound by the provisions of the Code, except in a limited sense provided by Rule 20 and Section 169 (2) of the Act.

21. Rule 23 lays down that an appeal against the award of the Claims Tribunal shall be accompanied by a “*judgment and the award appealed against*”. Here again, the rule is superfluous since in the context of the Motor Vehicles Act, the judgment is necessarily embodied in the award and does not stand independent of it. What is, however, important is the fact that the Rule does not contemplate the filing of a decree but contemplates the filing of a judgment and award. Since an appeal is a continuation of the original proceeding the requirement of a decree cannot be insisted upon for filing an

appeal when the original proceeding itself does not contemplate the passing of any decree. It follows that the present procedure of Claims Tribunals passing “decrees”, the High Court insisting on “decrees” for maintaining appeals and thereafter painstakingly drawing up “decrees” after disposal of the civil miscellaneous appeals can only be termed as an unfortunate comedy of errors.

22. That leaves me with one ancillary point. Rule 22 of the 1989 Rules reads as follows:

“22. Without prejudice to the provisions contained in section 174, the Claims Tribunal shall for the purpose of enforcement of its award, have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908 (Central Act V of 1908) as if the award were a decree for the payment of money passed by such court in civil suit.”

Rule 22, *supra*, elevates an award to the status of a decree and confers the Claims Tribunal with powers of an executing Court under Order XXI of the Code. The mode and manner of levying execution is also enumerated in Chapter VIII of the Civil Rules of Practice. In **Feroz Khan v S.M.S.S.A Farook Ali** [2000 3 CTC 115] this Court has settled the law that production of a certified copy of the decree is not necessary in execution proceedings. Therefore, if a copy of a decree is not necessary for execution proceedings before a regular civil court, it would be incongruous to insist on its production before a forum which is deemed, by legal fiction, to be a civil court only in a limited sense as spelt out in the Rules.

23.It is interesting to note that a similar issue came up before a Division Bench of the Jharkhand High Court in ***Divisional Manager, National Insurance Co. Ltd. v. Hiranman Mahto***, [2003 AIR Jhar R 274 : 2003 AIHC 896 : 2003 ACJ 732] wherein it was observed as under :

“9. A comparison between the above quoted provisions of the Code of Civil Procedure and the 1988 Act clearly suggests that whereas under the schedule of the Code, in all civil suits there is a statutory requirement of the preparation of a decree following the pronouncement of a judgment, in the 1988 Act there is no such requirement of a Tribunal having to first pass the “judgment” and then to prepare the “Award” based upon such a judgment. Actually Section 168 of the 1988 Act, just the only provision in the Act relating to the passing of the “Award” does not contemplate the passing of a judgment first and thereafter the making of an “Award”. This Section only requires the tribunal to “make an Award”. It is only based on some past practice that the tribunals which make the Award style that Award as a judgment, and thereafter unnecessarily take the burden of drawing up or preparing a formal Award, on the basis of the judgment earlier pronounced by them. There is no such requirement either in the 1988 Act or in the 1992 Rules. The Act and the Rules only require the tribunal to “make an Award”. The reading of Rule 243 (supra) suggests that the “order” or the “judgment” or the “Award” which the tribunal may pass, has to be a reasoned Award, related to the issues framed by it and the recording of the findings by the tribunal against all such issues. Neither Section 168 of the Act nor any other provision of the Act nor for that matter Rule 249 require the observance of a dual formality of first passing a judgment and then making an Award. The law only requires the making, of an Award. The Award undoubtedly has to be like a judgment in the sense that it has to be a reasoned and speaking Award, discussing in details the evidence etc. and recording of the findings by the tribunal on all the issues. But this has to be done only once. Unlike the drawing of a decree as required under Section 33, CPC of Order 20, Rule 6, or Rule 6-A CPC, there is no requirement of the drawing up of an Award in that sense after the passing of a judgment.

The legal position, therefore, which emerges on the basis of the aforesaid discussion is that the law does not require that Tribunals should draw up any formal Award after the passing of a judgment. The only requirement of law is for the Tribunals to make an Award. It is immaterial whether the Tribunals call this document as a judgment or an Award. Correspondingly, therefore, neither Section 173 of 1988 Act, nor Rule 249 of 1992 Rules, nor any other provision of law requires that a Memorandum of appeal filed under Section 173 (supra) should be accompanied by anything other than the copy of the Award. The Award may be in any form. It may have been styled as a judgment, an order, or simply an Award. The law does not stipulate or require a Tribunal to act in two stages; first the stage of passing the judgment and thereafter the stage of making of the Award. Actually we wish to observe and direct that in future, from now onwards. Tribunals shall, to maintain uniformity and also to observe the letter and spirit of law, style and describe their final verdicts as "Awards" and, thus avoid the confusion and unnecessary exercise of first writing a judgment and then making an Award. If all the final verdicts are styled and described as "Awards", there would not be scope for any confusion about the Law not requiring the Tribunals, draw up or prepare a formal Award.

An indication was given at the Bar that, perhaps, the preparation and the drawing up of a formal Award may be a requirement of law to enable the claimant to get the Award executed since a formal Award contains details such as the amount awarded, the rate of interest, the period from when the interest liability would commence, the amount of costs awarded and so on and so forth. We do not at all accept any suggestion that the said requirements either necessitated the preparation or drawing up of a formal Award or that because of these requirements, the law contemplates the preparation or the drawing up of a formal Award. We are saying so because, as noticed earlier, unlike the provisions contained in the Code of Civil Procedure, no such contemplation exists in the 1988 Act or in 1992 Rules. Secondly, in any event, the verdict that a Tribunal passes which it hitherto has been styling as a judgment and which on our directions contained herein should now be styled and described as "Award", contains all the necessary particulars such as the amount of compensation awarded, the rate of interest and the period from which it commences, the cost

etc. etc. Any party wishing to take out execution proceedings or other proceedings under the law for recovery of the awarded amount can incorporate the details in its application for execution or for recovery of the amount and these details can be obtained from the Award itself."

24.In **Kaveri Roy v. Bhagmat Tudu**, (2005) 4 JLJR 561 : (2005) 3

TAC 395 , another Division Bench of the Jharkhand High Court took note of certain difficulties faced on account of the directions in **Hirman Mahto's Case** (highlighted *supra*), and had modified the directions as under:

"2. Mr. Ananda Sen, learned Advocate pointed out that the practice of drawing up of a decree after passing of the Award by the Motor Vehicle Accident Claims Tribunal in terms of Section 168 of the Act was discontinued pursuant to a Division Bench judgment of this Court in the case of Divisional Manager, National Insurance Company Limited v. Hariman Mahto, 2003 (1) JCR 573 (Jhr) : [2003 (1) JLJR 41], wherein it was observed that the provisions of Section 168 of the aforesaid Act merely require the making of an Award, but that the Tribunal after passing of a judgment, had also taken the burden of drawing up and preparing a formal Award on the basis of the judgment. The Division Bench was of the view that there was no such requirement in the 1988, Act and that the Award pronounced was, in fact, in the nature of a judgment and did not require the drawing up of an additional formal Award on the basis of the judgment as delivered. Mr. Sen submitted that in view of the said decision, the practice of drawing up of a formal award by the learned Tribunal was discontinued and the judgment as delivered was treated to be an Award within the meaning of Section 168 of the 1988; Act.

3. ***

4. We, therefore, in modification of the directions contained in the said judgment in the case of Hiranman Mahto (*supra*), direct that henceforth judgments should contain the details of the parties and their addresses and also the valuation and costs awarded to the parties as also the sufficiency of the Court-fees paid thereon. Since, in this case details of the parties have been indicated in the cause title to the memorandum

of appeal itself, the objection as pointed out as defect No. 1 may be ignored.”

25.In **United India Insurance Co Ltd v. July** [2013 3 KLJ 147], a Division Bench of the Kerala High Court considered an identical question and held as under:

“10. Another question arises here. A Tribunal, after holding an inquiry following the procedures prescribed, is making an award under Section 168. Therefore, the Tribunal is passing an award and not a decree under Section 168 of the Act. Rule 392 of the Kerala Motor Vehicles Rules, 1989 (for short, the Rules) prescribes that the Tribunal in passing orders, shall record concisely in a judgment, the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid etc. Therefore, the findings of the Tribunal on each of the issues framed and the reasons for such findings are recorded in the judgment and the amount of compensation to be paid etc. are specified in the award. Section 173 of the Act provides that any person aggrieved by an award of a Tribunal may prefer an appeal to the High Court subject to the provisions of Sub-section (2). Therefore, going by these provisions, a Tribunal is passing an award which is appealable to the High Court.”

26.In **Oriental Insurance Co v. Ram Ratan**, (2013) 3 All LJ 600, a Division Bench of the Allahabad High Court held that an award under Section 168 and an appellate order Section 173 of the Act cannot be equated to decrees. The Court held:

“21. Under Section 168 of the Act, the tribunal has been conferred power to award compensation after providing an opportunity of being heard and holding an enquiry into the claim as the case may be. The legislature to their wisdom has used the word, “enquiry” under Section 168 of the Act and not the ‘trial’ relating to a suit and the tribunal has to

deliver an award and not a judgment and decree

24. The overall reading of statutory provisions contained in the Act reveals that strict procedural provision contained in the CPC has not been made applicable to the proceeding before a tribunal under the Act. Much emphasis has been given by the appellant's counsel to Section 108 of the CPC which provides that the provision with regard to appeal for rightful decree shall also apply to appeals from appellate decrees and from orders made under the CPC or under any special or local law in which a different procedure is not provided. Argument advanced by the learned counsel for the appellant seems to be mis-conceived.

25. Clause (a) of Section 108 CPC relates to appellate decrees. Order passed under Section 173 of Motor vehicles Act is not a decree.’

27. In **Asha v. National Insurance Company Limited**, (2008) 2 TN

MAC 54 : (2008) 1 Mah LJ 724, a Full Bench of the Bombay High Court, while considering the maintainability of a letters patent appeal under Section 100-A from an order passed under Section 173 of the Motor Vehicles Act, held as under:

“**40.** To sum up, we hold that:

(a) Section 100-A of the Code of Civil Procedure would apply only to the proceedings governed by the Code;

(b) Proceedings under Section 140, 163-A or 166 of the Motor Vehicles Act are not governed by the Code and Claims Tribunal is not a Civil Court;

(c) Award by Tribunal is not a decree or order of a Civil Court;

(d) Such award is not a decree or order made in exercise of Appellate jurisdiction by a Court subject to superintendence of the High Court”

28. In view of the above, it is palpably clear that the labouring process of drafting decrees for awards passed in motor accident cases, for the last 64 years, is totally misconceived. As Bhagwati J, said in **Distributors (Baroda) Limited v. Union of India** [AIR 1985 SC 1585] “To perpetuate an error is no heroism. To rectify it is the compulsion of judicial conscience”. Keeping this in mind, the following directions are issued:

a. The process of drafting decrees for awards passed in motor vehicles cases, both at the level of the Claims Tribunal throughout the State of Tamil Nadu and at the appellate level, shall cease forthwith.

b. The Claims Tribunal shall arrange to deliver free copies of the award to the parties concerned within 15 days from the date of the award as contemplated by Section 168 (2) of the Act and Rule 20(6) of the Rules.

c. The Claims Tribunals in the State shall not insist on parties filing copy applications for the purpose of receiving their respective free copies. A copy of the award, duly authenticated by the Presiding Officer of the Tribunal, will suffice for the purposes of an appeal under Section 173 of the Motor Vehicles Act, and Rule 23 (2) of the Rules. The Registry of the High Court need not insist on separate certified copies to be filed along with the memorandum of appeal under Section 173 of the Act.

d. In order to avoid any confusion that may arise at the stage of execution of the award owing to the directions contained in paragraph 28(a), it is directed that the following details shall be mandatorily incorporated into all awards passed by the Motor Accident Claims Tribunals in the State of Tamil

Nadu:

- a. Name and address of the claimant (s)
- b. Name and address of the respondent (s)
- c. Name and address of the Insurance company
- d. Name and address of the Transport Corporation or
such other respondents who are held liable to pay.
- e. Date of filing of the claim petition.
- f. Date of award
- g. The Claims Tribunal shall upload the award contemporaneous
with the date on which the award is passed and the uploaded
award copy shall also be construed as an authenticated copy of
the award and it will also suffice for the purposes of filing an
appeal or for the purposes of execution of the award.
- h. Amount of award
- i. Interest rate applicable
- j. Date (s) from which interest is payable
- k. Costs, if any
- l. In cases where the compensation, interests and costs
are directed to be paid proportionately, the award
should also specify who shall pay which portion of
award, interest and costs.
- m. In cases where there are several claimants, the shares
and amounts payable to each of them shall be specified.

n. The mode and manner of deposit of compensation

o. The mode and manner of disbursement

e. In cases where the claimants have availed exemption from payment of Court fee under Rule 24(3) at the time of making an application under Section 166 or under Section 163A of the Act, the award shall also specify the time within which the claimants shall deposit the balance of Court fee. The award shall also specify that the claimants shall not be entitled to withdraw the sum deposited pursuant to the award, with or without cost, unless the balance of Court fees is deposited as directed.

f. In the event of the claim petition being dismissed for default, the period between the date of dismissal of the claim petition and the date of the restoration of the same shall be dealt with by the Tribunal at its own discretion, depending upon the facts and circumstances of each case, for grant of interest.

g. The Registry of the High Court shall ensure that the aforesaid details are also incorporated in every case where the award of the Tribunal has been varied or modified by the High Court in an appeal under Section 173 of the Act.

h. The Registrar General is directed to circulate a copy of this order forthwith via E-Mail to all the Principal District Judges in the State and Union

Territory of Puducherry with a further direction to bring this order to the notice of the Motor Accident Claims Tribunals in their respective jurisdictions.

i. The Registrar General is also directed to forward a copy of this order forthwith to the Registrar (Judicial) for information and necessary action.

29.Rule 237(6) of the Pondicherry Motor Vehicles Rules, reads as follows:

“The Claims Tribunal shall, within 15 days from the date of award, issue copy of the award and decretal award, if any, to all parties to the claim free of cost”.

Rule 239 is in pari materia to the Tamil Nadu Motor Vehicle Accident Claims Tribunal Rules, 1989. In view of the same, the above directions will equally apply to the Claims Tribunal in the Union Territory of Puducherry and the appeals arising there from.

30.By orders dated 05-05-2020 in Tr. CMP Nos. 231/2020 (Batch), this court admitted its compulsion to embrace the digital technology platform to come to the rescue of innocent motor accident victims. Add the plague of the Pendency Pandemic afflicting the Judicial firmament, you have a recipe for disaster when the victims, despite agreeing for a compromise, and wanting an early closure, are unable to get it fructified. Hence, this court approved the

mode of a digital consent of parties by E-Mail or WhatsApp or any other appropriate Software Application suitable and reflective of recording such consent between the parties. The social distancing or physical or digital distancing by geographical distances needs to be tackled head on. We, The People cannot wait for the Corona Virus to exit. On the other hand, scientists, medical experts and administrations throughout the world are warning of further waves of this viral spread in its present or mutated form.

31.The Judiciary appears to be under the threat of an extended Lockdown. It is not imaginary or speculative anymore. It is real and confronting us as a possible tumultuous and turbulent reality. Can we therefore, all stakeholders, particularly those better placed, do something to rescue the hapless litigants at this vulnerable moment in their lives and their current status of livelihood? Judiciary cannot be seen to be throwing up its arms in dismay or despair. The challenge can be turned into an opportunity to help the cause of the litigants. This court sincerely feels that the Judiciary cannot forsake the vital interests of the litigants, and innocent motor accidents victims, *'who more often than not belong to the poor and underprivileged sections'* as Justice V R Krishna Iyer bemoaned. What do we do? Is there a way out? Should we not be wearing our thinking hats to devise ways to go inventive? We owe it to the litigant public as the constitutionally devised dispenser of justice.

32.Yes, this Court is alive and aware that the Bar Council of India, in a

letter addressed to the Honourable Chief Justice of India, by its Chairman, has expressed its apprehensions on the digital play for dispensation of Justice coming to occupy a permanent infrastructural presence. Fear is expressed that it may affect the livelihood of lawyers. Let us accept, understand and realise that Judiciary is not comprised of Judges alone. Bar and Bench together constitute it. In fact, I make bold to say that it is the Bar today which would be the Bench tomorrow. The Bench is not and never oblivious of the interests of the practitioners. But, at the same time, as a responsive and responsible institution, a vital cog or branch in the Democratic Wheel, along with the other two, the Executive and the Legislature, the Judiciary may have to exhibit the courage of its convictions to do justice to our people.

33.The present scenario is a magnificent opportunity to show our mettle, our strength of character and resilience in the face of adversity. We are at war with the Virus. It is abnormal times. *'We are in the worst of times or equally at the best of times'* to paraphrase Charles Dickens in his immortal classic *A Tale of Two Cities*. Let us try and show our best face despite the worst phase.

34.This Court has ordered on 05-05-2020 in Tr. CMP Nos. 231/2020 batch, that motor accidents claims can be compromised by embracing digital technology. This court recognised the digital consent from the stakeholders be it through E-Mail or WhatsApp or any other Software Application route.

Upon being satisfied that *consensus ad idem* was available, this court ordered recording of compromises arrived at in 23 MCOPs. The insurance company has been directed to deposit a total sum Rs.51,59,000/- to the credit of those 23 MCOPs in 2 weeks. While so, further 28 Tr. CMPs have been filed by two private insurance companies (10 plus 18), in which I have also I have ordered the recording of similar compromise arrived at in the said cases, upon being satisfied about the digital consent from the stakeholders.

35.Four days of sustained and resolute determination to deliver has meant that over a hundred victims are now poised to get the benefit. No mean task or achievement. Judiciary, comprising the lawyers and judges can and should feel proud of their contribution in these desperate times for a worthy cause. This court readily commends all the stakeholders and the advocate associations as their members are seen to be rising to the occasion. The worst circumstances get and must get the best out of us. Thanks to the proactive and helpful ways of all the stakeholders as the victims, their lawyers, insurance companies, its counsel, and the dedicated service from the officials of the Registry, we have the success of this endeavour reflected in numbers as in the following Table:

Date	Sum
05-May-20	Rs.51,59,000
06-May-20	Rs.1,17,35,368
07-May-20	Rs.80,24,956
08-May-20	Rs.43,72,000
08-May-20	Rs.49,39,000
Total	Rs. 3,42,30,324

It would be a huge benefit to the innocent accident victims and their counsels at this hour.

36.We cannot rest on our laurels. Commendable it may seem, but Rs.3,42,30,324/- is a drop in the ocean compared to what the impacted litigants may deserve. Hence, this loud thinking from the Bench with the time on its hands. Why not exploit the Virtual World to the best possible extent, at least during this emergency climate? It is not an imaginary world. It is now real. Lawyers know it better as they have shown the way with the viral spread of legally focused websites and service platforms. Let us shelve our personal interest as practitioners, I am as much one, as once a lawyer, always a lawyer, at this critical juncture.

37.I am now informed that there are 26 insurance companies, including 4 public sector entities. They have and may have several hundred claims which may be fit for compromise to the lasting benefit of hundreds of victims and their families.

38.That being so, I need to make it clear that it is not as if this Court alone has the power to order the recording of such compromise settlements. The Claims Tribunals where the claims are pending in Tamil Nadu are actually better placed. Ordinarily, the compromise made in cases are recorded when the claimants and the other parties appear in person with their

counsel. The Claims Tribunal by itself or through Mediation or *Lok Adalat* as Alternate Dispute Resolution methods, record such compromise awards.

39.I am of the view that the Claims Tribunals are as competent as this Court to allow such reliefs. All that this court did, was to examine the digital consent of parties and on satisfaction of consensus as genuine, accorded compromise. The Claims Tribunals can also do the same and possibly more effectively as the victims may be closer to the forums, in most cases. The Claims Tribunals can entertain compromise applications, without the need for any transfer petitions. They can examine and entertain digital consent and if satisfied that they were true and trustworthy, could go ahead and record the compromise, without need or insistence on physical appearance or signing of Joint Memos of Compromise. It is up to the respective Claims Tribunals to examine such requests and be satisfied on the truth and veracity of consent and grant them the benefit of compromise. There is no need or compulsion of every one to move this Court by way of a transfer petition. I commend this course to all the Claims Tribunals.

40.Hence, I am inclined to direct the Registrar General to take the permission of the Honourable Chief Justice and send an appropriate circular to all the Claims Tribunals on this recommendation for implementation by the Claims Tribunals in these lockdown times. It would help the stakeholders in a major way to seek closure closer home than being compelled to come to this court all the time.

41.It has been brought to my notice that a virtual court platform is currently available in Delhi, Haryana, Maharashtra and Tamil Nadu for traffic violation cases (vcourts.gov.in). It is a virtual platform intending to overcome distances and the inability of the physical presence of litigant or lawyer in the court and adjudication of the case in the real world. This Court cannot claim any expertise or authority on the feasibility and possibility of tapping and exploiting such a platform at this stage, where we are in virtual national lockdown. However, this Court is unable to resist the indulgence to commend the possible use of the Virtual Platform, particularly, in the present lethally impacting viral pandemic times. I have alluded to a presentation – Presentation for E-Compromise in MCOP Cases – in this regard which has been thoughtfully brought to my notice.

42.I deem it my duty and responsibility to bring the said presentation running to 26 pages to the notice of the E-Committee comprising respected brothers and sister of mine. They may be better placed to consider whether this presentation allied with the vcourts.gov.in tool, can usefully be considered to solve the immediate problems faced by the litigant public during this crisis period. Accordingly, I feel it may suffice for this Court to forward the Presentation titled 'Presentation for E-Compromise in MCOP Cases', to the administrative side to the E-Committee for its kind consideration, as they may deem fit.

43.However much the Central and State Governments, come up with rescue and recovery packages or stimulus doses, as we may choose to call them, We, The People, cannot expect 100% subsidy in any such cause. We, those providentially better placed than the rest, Judiciary, comprising the Judges and Lawyers, have to come together to devise ways to rescue the litigants when they need our presence and proactive ways, the most.

44.Lives matter. Livelihood matters no less. The tragedy of the migrant population, played out before our eyes is real. There may be accident victims or families among the said populace. The economy is stalling and staggering. For it to be triggered, all of us as ONE need to contribute our might. Here is my thought. I have already concluded that it is not as if this Court alone is divinely disposed of to permit recording of compromises placing reliance on digital consent. The claims tribunals may be better placed as the claims are pending before them. The litigants may be even physically nearer. Digitally, of course, as nearer as this Court is.

45.This court wants to record its appreciation for the efforts taken by the learned counsel appearing in the respective petitions in order to enlighten this court to come to a correct conclusion. The assistance rendered by the learned counsel becomes even more significant and in a sense special since the entire hearing was done through video conferencing. This case demonstrates the fact that even important issues can be decided through

video conferencing provided the Court is able to get the able assistance of the advocates. Without the assistance of the learned counsel appearing on behalf of the petitioners, it would have been difficult for this court to come to a correct conclusion in the legal issue that arose for consideration in these batch of cases.

46. In the result, the 18 Memos dated 07/05/2020 filed by the Petitioner Insurance Company are ordered as prayed for. Accordingly, the said 18 MCOPs are withdrawn from the respective Claims Tribunals, to this Court and compromise is recorded for the respective sums, as agreed *vide* the tabulation drawn above.

47. Hence, the following directions are issued:

i) MCOP No.5259 of 2019 on the file of the Motor Accident Claims Tribunal cum III Judge, Court of Small Causes, Chennai shall stand withdrawn to this Court and stand compromised for Rs.55,000/- in full quit.

ii) MCOP No.445 of 2020 on the file of the Motor Accident Claims Tribunal, II Chief Court of Small Causes, Chennai shall stand withdrawn to this Court and stand compromised for Rs.11,30,000/- in full quit. The award shall be shared between the husband and 3 married daughters in the following manner, that is, for Rs.8,30,000/- to Husband/ 1st petitioner in MCOP. No.445/2020 and Rs.1,00,000/-

each to the 3 married daughters being petitioners 2 to 4 in MCOP No. 445/2020.

iii) MCOP No 793 of 2016 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Perambalur shall stand withdrawn to this Court and stand compromised for Rs.3,10,000/- in full quit.

iv) MCOP No.414 of 2019 on the file of the Motor Accident Claims Tribunal cum Subordinate Judge, Perambalur shall stand withdrawn to this Court and stand compromised for Rs. 75,000/- in full quit.

v) MCOP No.576 of 2019 on the file of the Motor Accident Claims Tribunal cum Subordinate Judge, Perambalur shall stand withdrawn to this Court and stand compromised for Rs. 3,50,000/- in full quit.

vi) MCOP No.13 of 2016 on the file of the Motor Accident Claims Tribunal cum Principal subordinate Judge, Mayiladuthurai shall stand withdrawn to this Court and stand compromised for Rs. 2,30,000/- in full quit.

vii) MCOP No.433 of 2019 on the file of the Motor Accident Claims Tribunal cum III Additional District Judge, Kallakuruchi shall stand withdrawn to this Court and stand compromised for Rs.1,75,000/- in full quit.

viii) MCOP No.436 of 2019 on the file of the Motor Accident Claims Tribunal cum III Additional District Judge, Kallakuruchi shall stand withdrawn to this Court and stand compromised for Rs.25,000/- in full quit.

ix) MCOP No.437 of 2019 on the file of the Motor Accident Claims Tribunal cum III Additional District Judge, Kallakuruchi shall stand withdrawn to this Court and stand compromised for Rs.7,20,000/- in full quit.

x) MCOP No.253 of 2019 on the file of the Motor Accident Claims Tribunal, Sub Court , Rasipuram shall stand withdrawn to this Court and stand compromised for Rs. 2,50,000/- in full quit. As is the practice in *Lok Adalat* settlements, the natural guardian of the minor petitioner is permitted to withdraw Rs.1,50,000/- towards treatment, maintenance and care for the minor claimant. The balance Rs.1,00,000/ shall be invested in any Nationalized Bank until the minor claimant attains majority.

xi) MCOP No.254 of 2019 on the file of the Motor Accident Claims Tribunal, Sub Court, Rasipuram shall stand withdrawn to this Court and stand compromised for Rs. 1,55,000/- in full quit.

xii) MCOP No. 660 of 2019 on the file of the Motor Accident Claims

Tribunal, Sub Court , Ponneri shall stand withdrawn to this Court and stand compromised for Rs. 1,85,000/- in full quit.

xiii) MCOP No. 265 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram shall stand withdrawn to this Court and stand compromised for Rs.1,80,000/- in full quit.

xiv) MCOP No.266 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram shall stand withdrawn to this Court and stand compromised for Rs.70,000/- in full quit.

xv) MCOP No.267 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram shall stand withdrawn to this Court and stand compromised for Rs.2,82,000/- in full quit

xvi) MCOP No.268 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram shall stand withdrawn to this Court and stand compromised for Rs.23500/- in full quit

xvii) MCOP No.269 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Dharapuram shall stand withdrawn to this Court and stand compromised for Rs.20000/- in full quit

xviii) MCOP No 2721 of 2019 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai shall stand withdrawn to

this Court and stand compromised for Rs.1,60,000/- in full quit.

xix) It is therefore, directed that the Petitioner Insurance Company shall satisfy the respective compromise amounts in the 18 MCOPs and deposit the respective award amounts to the credit of the respective MCOPs, on the file of the respective Claims Tribunals.

xx) The Petitioner Insurer shall deposit the respective compromised award amounts within 2 weeks from the date of receipt of copy of this Order by E-Mail.

xxi) Upon such deposit, the claimants would be entitled to withdraw the same on proper identification by the counsel for the claimants, in a manner known to law.

xxii) It is hereby directed that the Registry send a Copy of this Order to the Counsel for the Petitioner by E-Mail who shall in turn, send a copy of the same to the respective Counsel for the Claimants, to confirm the Compromise Awards.

xxiii) The Registry is further directed to send copies of this Order by E-Mail to the respective Motor Accident Claims Tribunals, for the present, for compliance. The Claims Tribunals shall treat the copy of this Order received by E-Mail from this Court as Certified Copy of the same. As and when, normalcy returns after the viral pandemic impact,

the Registry shall send hard copies of this Order, duly certified to the respective Claims Tribunals, for the record.

xxiv) In fine, the 18 Memos dated 07/05/2020 filed by the Petitioner Insurer are ordered as prayed for and all parties hereto shall comply with the same. No orders as to costs in these proceedings.

11.05.2020

Internet: Yes/No
Index: Yes/No
KP
To

1. III Court of Small Causes, Chennai
2. II Court of Small Causes, Chennai
3. Chief court, Court of Small Causes, Chennai
4. Chief Judicial Magistrate Court, Perambalur
5. Subordinate judge perambalur
6. Principal subordinate judge Mayiladuthurai
7. III Additional District Judge, Kallakuruchi
8. Sub judge , Rasipuram
9. Sub Court, Ponneri
10. Subordinate Judge, Dharapuram
11. Mr. N Vijayaraghavan – Counsel for Petitioners
(vijayaraghavan.nv@gmail.com)
12. M/s. Cholamandalam MS General Insurance Ltd – Petitioner
(srinivasana1@cholams.murugappa.com)
13. The Union Territory of Pondicherry.
14. The Registrar General, High Court, Madras.
15. The Registrar (Judicial), High Court, Madras.

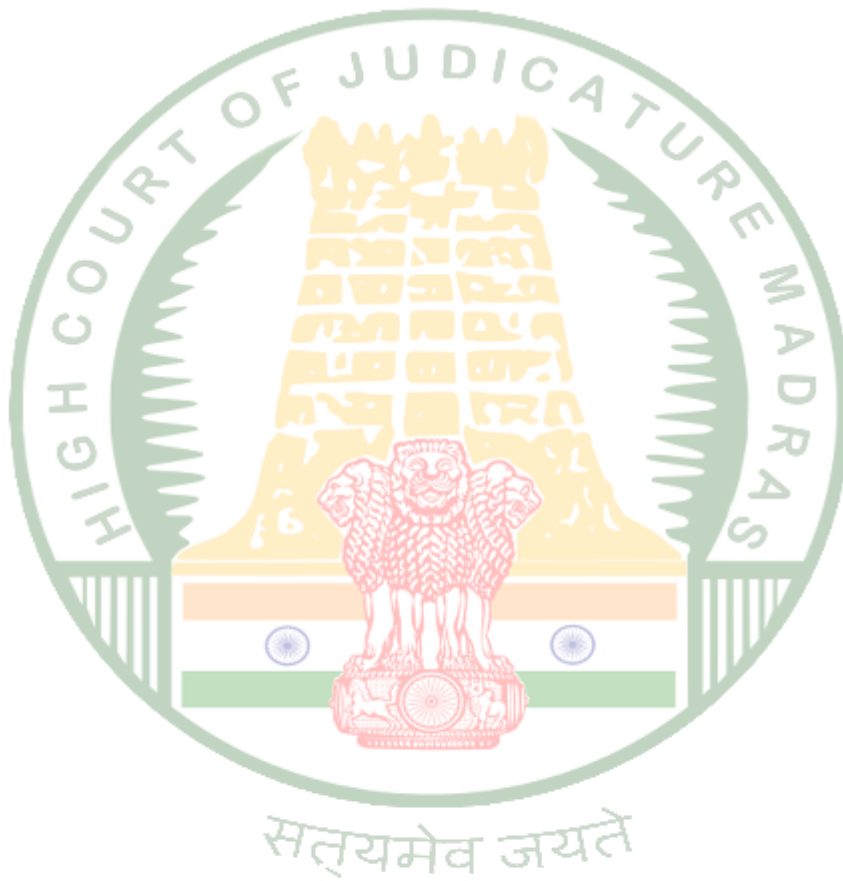


N.ANAND VENKATESH, J.
KP

Common Order in
Tr. CMP. Nos.264 to 281 of 2020

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