

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Wednesday, the 29th day of April, 2015

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE MALAISUBRAMANIAN (Retd.)
and

Members

Mr. R. Duraisamy
Mr. M. Baskar

CMA.No.675 of 2015

(Appeal against the judgment and decree passed on 27.02.2012 in
M.C.O.P.No.257 of 2009 on the file of the Motor Accidents Claims
Tribunal (Principal Sub Court) Vridhachalam).

The Divisional Officer,
Bajaj General Insurance Company Ltd.,
Chennai. ...Appellant / respondent

Vs.

1.Subramaniyan
2.Pandurangan ... Respondents
(R-2 was set ex parte before the Tribunal)

On representation of the learned counsel for both sides, this case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.S. Manohar and the learned counsel for the first respondent, Mr.P. Senthil Kumar are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

The Tribunal has awarded a sum of Rs.5,00,000/- with interest at 7.5% per annum from the date of petition till the date of deposit and costs as compensation. It is represented by the appellant/Insurance Company that only a portion of the award amount has been deposited in the Tribunal. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.4,75,000/- (Rupees Four Lakhs and Seventy Five Thousand only) in full quit (inclusive of interest) as compensation.

3. The appellant / Insurance Company is directed to deposit the above said modified award amount of Rs.4,75,000/- (Rupees Four Lakhs and Seventy Five Thousand only), after deducting the amount already deposited, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant / first respondent is permitted to withdraw the modified amount without filing any formal petition. Award is passed accordingly.

4. The Tribunal is directed to issue the cheque to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any.

Sd/-

The Divisional Officer,
Bajaj General Insurance Company Ltd.,
Chennai.

Sd/-

Counsel for the appellant

Sd/-

Subramaniyan

Sd/-

Counsel for the first respondent

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

Sd/-

Judge

Sd/-

Member

Sd/-

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal
(Principal Sub Court) Vridhachalam.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras.

CMA.No.675 of 2015

KJI (CO)

Eu 21.05.15