

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 12th day of December, 2015

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Ms.JUSTICE R.MALA
and

Members

Mr.J.Venkatesa Perumal
Mr.L.Chandra Kumar

C.M.A.No.2386 of 2014
and Cross.Obj.No.3 of 2015

C.M.A.No.2386 of 2014

(Against the award and decree passed on 27.01.2014 made in M.C.O.P.No.4411 of 2011, on the file of the Motor Accident Claims Tribunal, (V Judge of Small Causes Court), Chennai.

M/S.New India Assurance Co. Ltd.
No.45, Moore Street
Chennai-1.

... Appellant

Vs.

1.B.Kalaiarasi
2.Deisy Anitha

.. Respondents

Cross.Obj.No.3 of 2015

(Against the award and decree passed on 27.01.2014 made in M.C.O.P.No.4411 of 2011, on the file of the Motor Accident Claims Tribunal, (V Judge of Small Causes Court), Chennai.

B.Kalaiarasi

.. Cross Appellant

vs.

1.M/S.New India Assurance Co. Ltd.
No.45, Moore Street
Chennai-1.

2.Deisy Anitha

.. Respondents

<https://hcservices.ecourts.gov.in/hcservices/>

This case came up for settlement before the National Lok Adalat. Both the parties are present. The learned counsel for

the appellant, Mr.J.Chandran and the learned counsel for the 1st respondent Mr.R.Terry Chella Raja, 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

Though the matter is not in the list today, at request of both sides counsel, the matter is taken up for disposal. Both the parties and their respective counsel are present. The first respondent/claimant has filed Cross Obj.No.3 of 2015 against this appeal. Now, he seeks permission of this Court to withdraw the Cross Obj.No.3 of 2015 and he has also made an endorsement to that effect.

2.Recording the above submission made by the learned counsel for the first respondent, Cross.Obj.No.3 of 2015 is dismissed as not pressed.

3.The Tribunal has awarded a sum of Rs.5,12,300/- with interest at 7.5% per annum as compensation from the date of petition till the date of realization. Aggrieved by which, the Appellant/Insurance Company has preferred this appeal.

4. Now, both the parties have agreed to modify the award to a sum of Rs.4,00,000/- (Rupees Four Lakhs only) with interest at 7.5% per annum and proportionate costs as awarded by the Tribunal. The Appellant/Insurance Company is directed to deposit the award amount of Rs.4,00,000/- with interest and proportionate costs, less the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order, failing which, it carries 7.5% interest per annum from today till date of deposit. On such deposit, the first respondent/claimant is permitted to withdraw the modified award amount of Rs.4,00,000/- with interest and proportionate costs as awarded by the Tribunal. Award is passed accordingly.

5. 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 petition. The Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-

M/S.New India Assurance Co. Ltd.
No.45, Moore Street
Chennai-1.

Sd/-

Counsel for the Insurance Company

Sd/-

B.Kalaiarasi

Sd/-

Counsel for the Claimant

This Lok Adalat award is passed in terms of the above

settlement.

<https://hcservices.ecourts.gov.in/hcservices/>

The Court fee paid shall be refunded to the parties in the manner provided under 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/-
Sd/- Judge
Member

Sd/-
Member

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

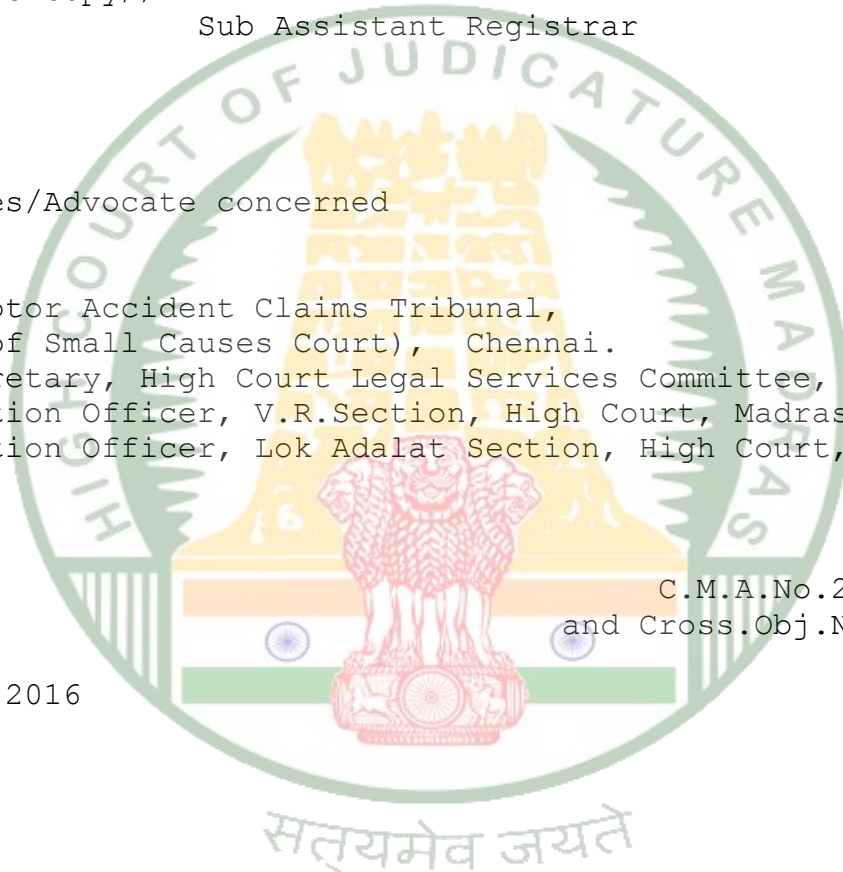
To

The parties/Advocate concerned
Copy to

- 1.The Motor Accident Claims Tribunal,
(V Judge of Small Causes Court), Chennai.
- 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.+2
copies

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