

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Tuesday, the 10th day of February 2015

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE A.RAMAMURTHI (Retd.)
and

Members

Mr.Mohamed Ismail
Ms.Padma

C.M.A.No.1170 of 2009 and M.P.No.1 of 2009

(Appeal against the judgment and decree passed on 19.02.2007 made in M.C.O.P.No.18 of 2005 on the file of the Motor Accidents Claims Tribunal (II Additional Sub Judge, Cuddalore)

The National Insurance Company Limited,
Cuddalore N.T. Appellant

Vs.

1. S.Magimainathan

2. Arivukarasu
(second respondent was
set ex-parte before the Tribunal) Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.Akilan, Manager of Insurance Company and Mrs.N.B.Surekha, the learned counsel for the appellant and the learned counsel for the first respondent Mr.S.Jothivani 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

Appellant / Insurance Company officials, first respondent and his counsel are present.

2. The Tribunal has awarded a sum of Rs.2,91,650/- with interest at 7.5% per annum from the date of filing of petition

till the date of deposit and costs as compensation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred the present appeal.

3. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.2,00,000/- (Rupees two lakhs only) along with interest at 7.5% per annum from the date of petition till the date of deposit as compensation.

4. The appellant / Insurance Company is directed to deposit the above said modified award amount of 2,00,000/- (Rupees two lakhs only) along with interest at 7.5% per annum from the date of petition till the date of deposit, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this order.

5. On such deposit, the first respondent / claimant is entitled to withdraw the modified award amount of Rs.2,00,000/- (Rupees two lakhs only) along with interest at 7.5% per annum from the date of petition till the date of deposit with proportionate bank interest, if any. The appellant / Insurance Company is entitled to withdraw the surplus amount if any and they are also entitled to recover the amount from the second respondent. Award is passed accordingly.

6. 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.

Sd/-

The National Insurance Company Limited,
Cuddalore N.T.

Sd/-
Counsel for the Appellant

Sd/-

S.Magimainathan

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

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, (II Additional Sub Judge, Cuddalore)
 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

C.M.A.No.1170 of 2009
and M.P.No.1 of 2009

TM(CO)
CA(09/03/2015)

सत्यमेव जयते

WEB COPY