HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat- II organised by the High Court Legal Services Committee

Thursday, the 05th day of November 2015

LOK ADALAT AWARD

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

Presided over by
The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and
Members

Mr.S.Palanichamy
Mr.A.G.Esther Dorothy

C.M.A.No.131 of 2012 and M.P.No.1 of 2012

(Appeal against the Judgment and decree passed on 23.08.2011 made in M.C.O.P.No.173 of 2009 on the file of the Motor Accidents Claims Tribunal, Sub Court, Chidambaram)

The Divisional Manager,
The New India Assurance Company Limited,
Cuddalore. .. Appellant

Vs.

1.Kannusamy
2.Pazhamalai (set ex-party before the Tribunal)
3.Rangasamy (set ex-party before the Tribunal)
.. Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. The learned counsel for the appellant Mr.C.Ramesh Babu and the learned counsel for the first respondent Mr.A.Murughan 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 appeal in C.M.A.No.131 of 2012 pending on the file of High Court, Madras and preferred against the award passed in the M.C.O.P.No.173 of 2009 on the file of Motor Accident Claims Tribunal, Sub Judge, Chidambaram has been referred to Lok Adalat for conciliation today.

2. The appellant / New India Assurance Company Limited, represented by its Deputy Manager, Chennai, TP Hub and assisted by counsel and the respondent, who are the petitioner

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before the tribunal and assisted by counsel are present before the Lok Adalat for conciliation today.

3. This is a case of injury. After great deliberation and discussion, both the parties have compromised the disputed claim at Rs.2,00,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit along with costs of Tribunal as against the Tribunal award of Rs.2,34,100/- with interest at the rate of 7.5% p.a. from the date of petition within a month from today payable by the appellant / New India Assurance Company Limited.

4. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / New India Assurance Company Limited shall pay a sum of Rs.2,00,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit along with costs of Tribunal, less the amount already deposited, if any which is ordered to be deposited before the competent court within a period of eight weeks from the date of receipt of a copy of this award.

5. The first respondent, who is the major is permitted to withdraw a sum of Rs.2,00,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit along with costs of Tribunal, without filing any formal petition before the Competent Court. Award is passed accordingly.

6. The Tribunal is directed to issue the cheque to the party concerned on proper identification by his counsel concerned appearing before the Tribunal, without insisting on any formal petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently connected the Miscellaneous Petition is closed.

Sd/-
The Divisional Manager,
The New India Assurance Company Limited,
Cuddalore.

Sd/-
Counsel for the Appellant

Sd/-
Kannusamy

Sd/-
Counsel for the 1st 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

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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 Sd/-

Member Member

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To
The parties/Advocate concerned
Copy to

1.The Motor Vehicles Accidents Claims Tribunal, Sub Court, Chidambaram.
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)

mg co
kra 30.11.2015

C.M.A.No.131 of 2012
and M.P.No.1 of 2012

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