

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Tuesday, the 08th day of December, 2015

LOK ADALAT AWARD

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

The Hon'ble Mr. JUSTICE T.N. VALLINAYAGAM (Retd.)
and

Members

Mr. P. Perumalappan
Mr. Arokia Maniraj

C.M.A. No. 2694 of 2009

(Appeal against the judgment and decree passed on 08.06.2004 made in M.A.C.T.O.P. No. 442 of 2003 (Tindivanam subordinate court No. 939/2000) on the file of the Motor Accident Claims Tribunal, Fast Tract Court No. I, Tindivanam. The National Insurance Company Limited, No. 378, Mint Street, Sowcarpet, Chennai.

.. Appellant

Vs.

1. Kamalchand
2. Thirupathy

.. Respondents

This case came up before the Lok Adalat. Both the parties are present. Mr. Akilan, the Manager of the Insurance Company, Mr. S. Vadivel, Advocate for the appellant and Mr. Nilavazhagan for Mr. M. Venkadesh, learned counsel for the 1st respondent 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. 1,35,112/- with interest at 9% per annum from the date of petition till the date of deposit and costs as compensation and directed the appellant to make the payment of the award amount with interest. 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. 1,75,000/- (Rupees one lakh and seventy five thousand only) in full quit. The appellant had already deposited the entire award amount with interest and cost.

3. A sum of Rs. 40,000/- has already been withdrawn by the petitioner from the deposited amount. The balance amount of Rs. 1,35,000/- shall be withdrawn by the claimant and the

remaining balance amount available in the court deposit with accrued interest shall be withdrawn by the Insurance Company. Award is passed accordingly.

5. The Tribunal is directed to issue the cheque to the parties 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 National Insurance Company Limited,
No.378, Mint Street,
Sowcarpet,
Chennai.

Sd/-

Counsel for the Appellant

Sd/-

Kamalchand

Sd/-

Counsel for the 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/-

Sd/-

Member

Judge

Sd/-

Member

Sd/-

nvi

Asst.Registrar (CS II)

/true copy/ जयते

Sub Asst. Registrar

To: The parties/Advocate concerned
Copy to:

- 1.The Motor Accidents Claims Tribunal, Sub Court, Tindivanam
- 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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vs co

kra 15.12.2015

C.M.A.No.2694 of 2009