

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.3396 of 2013 and M.P.No.1 of 2013

(Appeal against the Judgment and decree passed on 29.09.2011 made in M.C.O.P.No.63 of 2008 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Thiruchengode)

The New India Assurance Company Limited,
No.66C North Car Street,
Thiruchengode,
Namakkal District. .. Appellant

Vs.

1. Sivakumar
2. C.Paraneedharan (ex-party before the Tribunal)
.. Respondents

This case is not listed today. By consent of both parties and their respective counsel, this case is taken up for settlement before the Lok Adalat. Both parties are present. The learned counsel for the appellant Mr.R.Neethi Perumal and the learned counsel for the first respondent Mr.C.Paraneedharan 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.3396 of 2013 pending on the file of High Court, Madras and preferred against the award passed in the M.C.O.P.No.63 of 2008 on the file of Motor Accident Claims Tribunal, Sub Ordinate Judge, Thiruchengode has been referred to Lok Adalat for conciliation today.

2. The appellant / New India Assurance Company Limited, represented by its Deputy Manager, Chennai, TP Gub and assisted by counsel and the respondent, who are the petitioner 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.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit as against the Tribunal award of Rs.2,90,793/- with interest at the rate of 7.5% p.a. from the date of petition till the date of payment.

4. The Deputy Manager of New India Assurance Company Limited reported that they had already deposited the entire award amount before the Tribunal. After satisfaction of the decree, balance amount shall be refunded to the New India Assurance Company Limited. Award is passed accordingly.

5. The first respondent, who is the major is permitted to withdraw a sum of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, 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 New India Assurance Company Limited,

No.66C North Car Street,

Thiruchengode,

Namakkal District.

Sd/-

Counsel for the Appellant

Sd/-

Sivakumar

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/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned
Copy to

- 1.The Motor Vehicles Accidents Claims Tribunal, Subordinate Judge, Thiruchengode.
- 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.3396 of 2013

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kra 08.02.2016

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