

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Wednesday, the 14th day of October 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE J.A.K.SAMPATHKUMAR(Retd.)
and

Members

Mr.T.Sankara Narayana Pillai
Mr.Balusekar

C.M.A.No.511 of 2013 and M.P.No.1 of 2013

Prayer :- Appeal against the judgment and decree passed on 08.09.2010 made in M.C.O.P.No.412 of 2008 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Vellore.

United India Insurance Company Limited,
Divisional Office,
TKM Complex, Katpadi Road,
Vellore - 4.

.... Appellant/2nd
Respondent

Vs.

1.S.Siva

2.B.S.Selvam (set ex-parte in the Lower Court)

3.National Insurance Company Limited,
Divisional Office,
Opp: Lakshmi Theater,
Officer's Line, Vellore- 1.
(Not pressing hereby)

.... Respondents/Petitioner
1 & 3 Respondents

This case is not listed today. On representation of the counsel for both sides, this case is taken up for settlement before the Lok Adalat. Mr.K.Balasubramanian, Manager of United

India Insurance Company Limited is present. Mr.C.Paranthaman, learned counsel for the appellant and Mr.N.T.Shanmugam, the learned counsel for the first 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.2,85,689/- with interest at 7.5% per annum from the date of numbering of petition, i.e.,17.07.2008 till the date of realization and costs as compensation. 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.1,90,000/- (Rupees One Lakh Ninety Thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit as compensation and the same is ordered accordingly.

3. It is informed by the Insurance Company that they had already deposited a sum of Rs.1,90,000/- before the tribunal. The first respondent/claimant is entitled to withdraw the same before the Tribunal without filing any formal petition.

4. The appellant / Insurance Company is directed to deposit the above said modified award amount with interest, after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order.

5. On such deposit, the first respondent / claimant is permitted to withdraw the above said modified award amount along with interest without filing any formal petition. 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/-

United India Insurance Company Limited,
Divisional Office,
TKM Complex, Katpadi Road,
Vellore - 4.

Sd/-

Counsel for the Appellant

Sd/-

S.Siva

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 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 III)

//True Copy//

Sub Assistant Registrar

adl

To:The parties/Advocate concerned
Copy to:

- 1.The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Vellore.
 - 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.511 of 2013
and M.P.No.1 of 2013

KK(CO)
CA(08/12/2015)