

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Tuesday, the 19th day of July 2016

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.R.Ramraj
Mr.V.Kumaravelan

C.M.A.No.1457 of 2016 and CMP.No.11195 of 2016

(Appeal against the Judgment and decree passed on 05.03.2016 made in M.C.O.P.No.2489 of 2013 on the file of the Motor Accidents Claims Tribunal, II Judge, Small Causes Court, Chennai)

National Insurance Company Limited,
Motor Claims Hub,
No.190, Anna Salai,
Chennai - 600 006. ..Appellant/2nd Respondent

Vs.

1.Ivar Richard Vanderbert ..1st Respondent/Petitioner

2.John Philip Corera (ex-parte before the Tribunal)
..2nd Respondent/1st Respondent

This case is not listed today. On representation of the counsel for the both parties, this case is taken up for settlement before the Lok Adalat. Mr.R.Ravichandran, the learned counsel for the appellant and Mr.S.Ravikumar, 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 appeal in C.M.A.No.1457 of 2016 pending on the file of High Court, Madras and preferred against the award passed in the M.C.O.P.No.2489 of 2013 on the file of Motor Accidents Claims Tribunal, II Judge, Small Causes Court, Chennai has been referred to Lok Adalat for conciliation today.

2. The appellant / Insurance Company, Chennai represented by its Manager, viz., Mr.Murali Krishna and assisted by counsel and the first respondent, who is 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.5,80,000/- (Rupees Five Lakhs Eighty Thousand only) with interest at 7.5% p.a. from the date of petition till the date of deposit as against the Tribunal award of Rs.8,03,000/- with interest at 7.5% p.a. from the date of filing of petition i.e. 02.04.2013 till the date of deposit.

4. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / Insurance Company, shall pay a sum of Rs.5,80,000/- with interest at 7.5% p.a. from the date of petition till the date of deposit to the claim of the first respondent, less the amount already deposited if any, which is ordered to be deposited before the Competent Court, within a period of six weeks from the date of receipt of a copy of this award.

5. The first respondent, who is the petitioner before the Tribunal is entitled to withdraw the disputed claim at Rs.5,80,000/- with interest at 7.5% p.a. from the date of petition till the date of deposit without filing any formal petition before the Tribunal.

6. The Tribunal is directed to issue the cheque to the pary 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/-
National Insurance Company Limited,
Motor Claims Hub
No.190, Anna Salai,
Chennai - 600 006.

Sd/-
Counsel for the Appellant

Sd/-
Ivar Richard Vanderbert

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 Accident Claims Tribunal, II Judge, Small Causes
Court, Chennai.
- 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)

KR/29/7/16

C.M.A.No.1457 of 2016
and
CMP.No.11195 of 2016

सत्यमेव जयते
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