

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 14<sup>th</sup> day of July, 2016  
LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE M.THANIKACHALAM(Retd.)  
and

Members

Mr.S.Manoharan  
Ms.A.G.Esther Dorothy

C.M.A Nos.1197 of 2012 and 2057 of 2014

Common Prayer : Appeals filed against the judgment and decree passed on 30.06.2011 in M.C.O.P.No.466 of 2007 on the file of the Motor Accident Claims Tribunal (Fast Track Court No.4, Additional District Judge) at Ponneri.)

The New India Assurance Co.Ltd.,  
No.45, Moore Street, (3<sup>rd</sup> Party Claims Cell),  
Chennai-1. .. Appellant in  
C.M.A.No.1197 of 2012

K.M.Muthu ..Appellant in  
C.M.A.No.2057 of 2014

Vs.

1.K.M.Muthu  
2.T.Saroja(Ex-parte) ..Respondents in  
C.M.A.No.1197 of 2012

1.T.Saroja(Ex-parte)  
2.The New India Assurance Co.Ltd.,  
No.45, Moore Street,  
Third Party Claim Cell,  
Chennai-1. ..Respondents in  
C.M.A.No.2057 of 2014

These cases came up for settlement before the Lok Adalat. Both the parties present. In C.M.A.No.1197 of 2012 the learned counsel for the appellant/Insurance Company Mr.J.Chandran and the learned counsel for the first respondent/claimant Mr.I.Rathinavel are present. In C.M.A.No.2057 of 2014, the learned counsel for the appellant/claimant Mr.I.Rathinavel and the learned counsel for the second respondent/Insurance Company Mr.J.Chandran 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 appellant in C.M.A.No.2057 of 2014, who is the claimant in M.C.O.P.No. 466 of 2007 on the file of the Additional District Judge(Fast Tack Court No.4), Ponneri, met with an accident, for which he laid a claim of Rs.5,00,000/-. Though the amount was quantified to Rs.9,00,000/-, restricting to Rs.5,00,000/-. After trial, the trial Court has awarded a sum of Rs.1,50,000/- with interest thereon at the rate of 7.5% p.a., from the date of petition till the date of realisation, as per the award dated 30.06.2011. This award was not satisfactory to either parties, resulting in an appeal filed by the claimant (C.M.A.No.2057 of 2014) and an appeal filed by the Insurance Company (C.M.A.No.1197 of 2012).

2.The parties viz., the claimant and the Insurance Company are present represented by their respective counsel. They put their head together and amicably settled the matter, without any influence on their own and on the basis of understanding reached, the parties have agreed to dismiss the appeal preferred by the appellant/Insurance Company (C.M.A.No.1197 of 2012) confirming the lower Court order and agreed to allow the appeal preferred by the appellant/claimant (C.M.A.No.2057 of 2014) awarding a sum of Rs.2,25,000/- in full quit, in addition to the award already mentioned by the lower Court.

3.The Insurance Company is directed to deposit the award amount within a period of four weeks, from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw both the award amount, without any formal petition.

4.The Tribunal is directed to issue the cheque to the party viz., K.M.Muthu, on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheques petition). The Civil Miscellaneous Appeals are disposed of accordingly. Consequently, connected Miscellaneous petitions are closed.

Sd/-  
K.M.Muthu

Sd/-  
Counsel for the claimant

Sd/-  
The New India Assurance Co.Ltd.,  
No.45, Moore Street, (3<sup>rd</sup> Party Claims Cell),  
Chennai-1.

Sd/-  
Counsel for the Insurance Company

This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the parties in the manner provided under 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, (Fast Track Court No.4, Additional District Judge), Ponneri.
  - 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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सत्यमेव जयते

C.M.A.Nos.1197 of 2012  
and 2057 of 2014

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