HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat- I organised by the High Court Legal Services Committee
Tuesday the 21st day of June 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.S.Manohar
Mrs.P.Vijayalakshmi

C.M.A.No.416 of 2010 and M.P.No.1 of 2010

(Appeal against the Judgment and decree passed on 31.12.2008 made in M.A.C.T.O.P.No.1045 of 2005 on the file of the Motor Vehicle Accidents Claims Tribunal, Principal Subordinate Court, Salem)

The National Insurance Company Limited,
Divisional Office, 1 LRN Complex, Sarada
College Road, Salem - 7. .. Appellant/2nd Respondent

Vs.

1.R.Govindaraj
2.R.Manjula (ex-parte before the Tribunal)
3.P.Muthusamy (ex-parte before the Tribunal)
4.United India Insurance Company Limited,
Divisional Office-I,
104-A Peramanur Main Road,
Salem - 7.
..Respondents/Petitioner/1st, 3rd & 4th Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.N.B.Surekha, the learned counsel for the appellant and Mr.B.Vasudevan, 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.416 of 2010 pending on the file of High Court, Madras and preferred against the award passed in the M.A.C.T.O.P.No.1045 of 2005 on the file of the Motor Vehicle Accidents Claims Tribunal, Principal Subordinate Court, Salem has been referred to Lok Adalat for conciliation today.

2. This is a case in which the claimant, who is the first respondent herein has filed petition claiming compensation for

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injury sustained by him and the relief sought for is against M/s National Insurance Company Limited, Divisional Office, Salem and M/s United India Insurance Company Limited, Salem. An award was passed for Rs.65,000/- with interest at the rate of 7.5% from the date of petition till the date of deposit by the National Insurance Company Limited and United India Insurance Company Limited by the Tribunal. The Tribunal has directed to share the compensation amount equally and to pay to the claimant concerned. Aggrieved at the order passed by the Tribunal, National Insurance Company, who is the second respondent before the Tribunal has come forward with this appeal and United India Insurance Company has chosen not to file any appeal against the award passed by the Tribunal.

3. The appellant represented by Manager and assisted by counsel and the claimant, 1st respondent herein assisted by counsel are present before the Lok Adalt today for conciliation.

4. After great deliberation and discussion, both parties have compromised the disputed claim at Rs.32,000/- towards full quit of the claim. Entire compensation amount payable by the appellant has already been deposited before the Competent Court.

5. In view of the compromise arrived at between the both parties, the Lok Adalat hereby declare and decree that the appellant/National Insurance Company Limited shall pay a sum of Rs.32,000/- towards full quit of the claim to the claimant/first respondent. Since the award amount has already been deposited before the Competent Court, the claimant/first respondent is permitted to withdraw the compromised amount of Rs.32,000/- towards full quit from the Competent Court without filing any formal petition. The balance amount standing to the credit of this proceedings, if any, is ordered to be refunded to the appellant/National Insurance Company after settlement amount due to the claimant/first respondent. No order as to costs. Award is passed accordingly.

6. The Tribunal is directed to issue the cheques to the parties 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 National Insurance Company Limited,
Divisional Office, 1 LRN Complex, Sarada Sd/-
College Road, Salem – 7. Counsel for the Appellant

Sd/- Sd/-
R.Govindaraj Counsel for the first respondent

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

The Court fee paid shall be refunded to the appellant 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, Principal Subordinate Court, Salem.
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/2/8/16

C.M.A.No.416 of 2010

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