

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Monday, the 06th day of November 2017

LOK ADALAT AWARD

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

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

Members

Mr.G.Palaniappan
Mr.V.Kumaravelan

C.M.A.No.1100 of 2015

(Appeal against the award made in M.C.O.P.No.2786 of 2013 dated 31.10.2014 on the file of Motor Accidents Claims Tribunal -IV Court of Small Causes, Chennai).

Oriental Insurance Company Ltd.,
Motor Third Party Claims Hub,
No.216, Prakasam Salai, Broadway,
Chennai - 600 108.

.. Appellant/2nd Respondent

Vs.

1.K.Yesudoss,
S/o.K.Venkataish
2.H.Charies Thomas

..Claimant/1st Respondent

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.S.Manohar and the learned counsel for the respondents, M/s.M.SwamikKannu and P.Saleem Fathima 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 petitioner/claimant who sustained some injuries in a road accident filed a case for a sum of Rs.6,00,000/- (Rupees six lakhs only) as compensation, which ended in an award of Rs.2,29,000/- with interest at rate of 7.5% p.a with cost as per the judgement dated 31.10.2014 . Aggrieved by the said order

the Insurance Company preferred an appeal and the same is pending. By the effort of the well wishers, with a co-operation of the parties, they have settled the matter between themselves and the party represented by his counsel, and the Insurance Company represented Ms.Hemalatha Shankar, Deputy Manager are present, agreed the terms of compromise.

2. In pursuance of the compromise and settlement reached between the parties, the award of the lower Court is modified, in a sum of Re.1,50,000/- (Rupees One lakh fifty thousand) with interest there on as ordered by the Trial Court, with proportionate cost. It is represented by the both the parties that the Insurance Company had deposited the entire award amount, as ordered by the Trial Court and in the appeal when the stay was granted there was a direction infavour of the petitioner, to withdraw 25%, from the total award amount. It is also agreed that the petitioner have withdrawn the said a sum of Rs.75,983/- representing 25%. The modified award amount includes amount already withdrawn and the balance of the amount including interest and proportionate cost which the claimant is entitled to withdraw from the deposited amount. The rest of the amount including interest if any, the Insurance Company is entitled to withdraw. Award is passed accordingly.

3. The Tribunal is directed to issue the cheques 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.

sd/-
Oriental Insurance Company Ltd.,
Motor Third Party Claims Hub,
No.216, Prakasam Salai, Broadway,
Chennai - 600 108.

sd/-
Counsel for the Appellant

sd/-
1.K.Yesudoss,
S/o.K.Venkataish

sd/-
Counsel for the 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

//True Copy//

Sub Assistant Registrar

To
The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims, Tribunal -IV Court of Small Causes, 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

C.M.A.No.1100 of 2015

MG(CO)
TR(13/12/2017)

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