

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services
Committee

Friday, the 14th day of July 2017

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.SAMPATH KUMAR (Retd.)
and

Members

Mr. G.Appasamy

Mr. Balasekar

C.M.A.No.1645 of 2015 and
CMP.No.1 2015 and
CROS. OBJ. No. 9 of 2016

(Appeal against the award and decree passed on 21.01.2015
in M.C.O.P.No.5707 of 2012 on the file of the Motor Accidents
Claims Tribunal (II Small Causes Court, Chennai.)

New India Assurance Co.Ltd,
No.45, Moore Street,
Chennai-600 001.

.. Appellant/2nd Respondent

Vs.

1.K.Malliga

2.K.Kanmani

3.K.Srinivasan

4.K.Prakash

..1st to 4th Respondents / petitioners

5.Savitha Medical College and Hospital.

..5th Respondent/1st Respondent

On representation of the learned counsel for both sides,
this case taken up for settlement before the Lok Adalat. Both
the parties are present. The learned counsel for the appellant
Mr.J.Chandran and the learned counsel for the respondents Mr.
F.Terry ChellaRaja 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

Though the matter is not listed today, at the request of
both the Parties, it is taken up today.

The Tribunal has awarded a sum of Rs.11,36,000/- with
interest at 7.5% per annum from the date of petition till the
date of deposit. Aggrieved by the award of the Tribunal, the
Appellant/Insurance Company had preferred the present appeal.
The Claimant also filed a Cross Objection No. 9 of 2016 for
enhancement.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.10,96,000/- (Rupees ten Lakhs ninety six thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit. The Claimant agreed to withdraw the Cross Objection. The Objection is ordered accordingly interims of Compromise.

3. The appellant/Insurance Company is directed to deposit the above said modified award amount of Rs.10,96,000/- along with interest at 7.5% per annum from the date of petition till the date of deposit, after deducting the amount already deposited if any, within a period of 30 days from the date of receipt of a copy of this order. On such deposit, the claimants / respondents are permitted to withdraw the modified award amount with interest at 7.5% per annum from the date of petition till the date of deposit without filing any formal petition. The Cross Objection Stands Dismissed.

4. The Modified award amount shall be shared in the following manner.

1. K.Malliga	-	Rs. 4,96,000/-	with accrued interest
2. K.Kanmani	-	Rs. 2,00,000/-	with accrued interest
3. K.Srinivasan	-	Rs. 2,00,000/-	with accrued interest
4. K.Prakash	-	Rs. 2,00,000/-	with accrued interest

Total amount	-	Rs. 10,96,000/-	

5. 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 if any.

sd/-
New India Assurance Co.Ltd,

sd/-
Counsel for the Appellant

sd/-
1.K.Malliga

sd/-
2.K.Kanmani

sd/-
3.K.Srinivasan

sd/-
4.K.Prakash

sd/-
Counsel for the Respondents

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

-s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To
The parties/Advocate concerned

Copy to

- 1.The Motor Accidents Claims Tribunal
(II 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)

सत्यमेव जयते

C.M.A.No.1645 of 2015

SP(10/08/2017)

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