

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 24th day of March, 2017

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE S.K.KRISHNAN (Retd.)
and

Members

Mr. J.D.Rukmangathan

Mr. V.Karthikeyan

C.M.A.No.2485 of 2016

(Appeal against the judgment and decree in M.C.O.P.No.346 of 2012, dated 18.11.2015, on the file of the Motor Accidents Claims Tribunal, Principal District Court, Cuddalore.

Cholamandalam MS General Insurance Company Limited,
Rashmi Towers, II Floor,
No.1, Village Road,
Nungambakkam, Chennai - 600 034.

... Appellant / 3rd respondent

Vs.

1. Anish

2. Ananth (Respondent 2 & 3 minor Rep. By Brother NR 1st Respondent)

... Respondents/Petitioners

3. Ayalin

.. Respondents 1 & 3/ Respondents

4. C. Subramani

5. B. Senkazhani

.. Respondents 4 & 5 / Respondents 1&2

On representation of the counsel for both sides this case is taken up for settlement before the Lok Adalat. Both the parties are present. Mr.N. Vijayaragavan & Mr.A Jeganathan, the learned counsels for the Insurance Company and the learned counsel for the respondent Mr.D.Govindan 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 Tribunal has awarded a sum of Rs.11,00,000/- (Rupees Eleven Lakhs only) with interest at 8% per annum as compensation from the date of application till the date of realisation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company has preferred the present appeal. The appellant / Insurance Company official reported that they had already deposited sum of Rs.9,97,658/- (Rupees Nine Lakhs ninety seven thousand six hundred and fifty eight only) after deducting TDS.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.9,50,000/- (Rupees nine lakhs fifty thousand only) with interest at the rate of 8%.

3. The appellant/Insurance company is directed to deposit the balance amount if any after adjusting the amount already deposited, within four weeks from the date of receipt of a copy of this order. On such deposit the first respondent / claimant is permitted to withdraw Rs.3,50,000/- (Rupees three lakhs fifty thousand only) and the 2nd and 3rd claimants are entitled to withdraw Rs.3,00,000/- (Rupees three lakhs only) each with proportionate interest. The modified award amount shall be withdrawn by the claimant without filing any formal petition. The Award is passed accordingly.

4. 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 petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently connected the Miscellaneous Petition is closed.

Sd/-
Cholamandalam MS General Ins. Co. Ltd.,
Rashmi Towers, II Floor,
No.1, Village Road,
Nungambakkam, Chennai - 600 034.

Sd/-
Counsel for the appellant

Sd/-
1. Anish
Sd/-
2. Ananth
Sd/-
3. Ayalin
rep by 1st petitioner herein

Sd/-
Counsel for the respondent

WEB COPY

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 Principal District Court, Cuddalore.
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

KJ(CO)
RS(16/06/2017)

C.M.A.No.2485 of 2016

सत्यमेव जयते

WEB COPY