

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.2486 to 2491 of 2016

Prayer in C.M.A.No.2486 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.353 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.Karupazhagi @ Nayagam

... 1st Respondent / petitioner

2.C.Subramani,

3.B.Senkazhani

... Respondents 2 & 3/ Respondents 1 & 2

Prayer in C.M.A.No.2487 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.354 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. Kala

... 1st Respondent / petitioner

2.C.Subramani,

3.B.Senkazhani

... Respondents 2 & 3/ Respondents 1 & 2

Prayer in C.M.A.No.2488 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.355 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. Kanchana

... 1st Respondent / petitioner

2.C.Subramani,

3.B.Senkazhani

... Respondents 2 & 3/ Respondents 1 & 2

Prayer in C.M.A.No.2489 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.356 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. M. Sivagami

.. 1st Respondent / petitioner

2.C.Subramani,

3.B.Senkazhani

.. Respondents 2 & 3/ Respondents 1 & 2

Prayer in C.M.A.No.2490 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.358 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. K.Shanmugham
2.C.Subramani,
3.B.Senkazhani

.. 1st Respondent / petitioner

.. Respondents 2 & 3/ Respondents 1 & 2

Prayer in C.M.A.No.2491 of 2016:-

(Appeal against the judgment and decree in M.C.O.P.No.357 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. R.Devi
2.C.Subramani,
3.B.Senkazhani

.. 1st Respondent / petitioner

.. Respondents 2 & 3/ 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

Having aggrieved against the Common Award of the Tribunal in M.C.O.P Nos. 353/2012, 354/2012, 355/2012, 356/2012, 357/2012 and 358/2012, the insurance company has filed present appeals. It is the case of simple injury. The Tribunal has passed an award fixing compensation in the following manner.

S.No	C.M.A.No.	O.P.No.	Claimant Name	Award by Tribunal
1	2486/2016	353/2012	Karupazhai @ Nayagam	Rs.20,000/-
2	2487/2016	354/2012	Kala	Rs.22,000/-
3	2488/2016	355/2012	Kanchana	Rs.20,000/-
4	2489/2016	356/2012	Sivagami	Rs.21,000/-
5	2490/2016	358/2012	K.Shanmugam	Rs.20,000/-
6	2491/2016	357/2012	R.Devi	Rs.22,000/-

2. The appellant has already deposited a part amount with interest before the Tribunal. After due deliberation and conciliation all the parties has agreed to modified the award to the sum of Rs.25,000/- in each case (Rupees twenty five thousand only) in full quit as compensation.

3. The applicant insurance company directed to deposit the balance amount after adjusting the amount already deposited within four weeks from the date of receipt of copy of this order. The respective claimants are entitled to withdraw the modify award amount 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.Karupazhagi @ Nayagam

Sd/-

2.Kala

Sd/-

3.Kanchana

Sd/-

4.M.Sivagami

Sd/-

5.R.Devi

Sd/-

6.K.Shanmugam

Sd/-

Counsel for the respondent

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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/-
Member

Sd/-
Judge

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.2486 to 2491 of 2016

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