

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th December 2018

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE M.GOVINDARAJ

and

Members

Mr.G.Palaniappan (Dist.Judge, Retd.)

Mr.L.Chandrakumar

C.M.A.NO.271 OF 2016

(Appeal against the judgment and decree passed on 04.09.2015 made in M.A.C.T.O.P.No.1753 of 2013 on the file of Motor Accident Claims Tribunal(Special Sub Judge-I, Court of Small Causes) Chennai).

P.Varadharajan

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Appellant

/versus/

1.M.Gunasekaran

(set exparte before the Tribunal)

2.M/s.Cholamandam MS.General Insurance Co.Ltd, Rashmi Tower, 2nd Floor, No.1, Village Road, Nungambakkam, Chennai 600034.

Office Shifted to:

Cholamandalam MS General Insurance Co.Ltd.,

Hari Nivas Towers, 2nd Floor,

No.163, Thambu Chetty Street,

Parrys Corner, Chennai 600 001.

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Respondent

This case is taken up for settlement before this Lok Adalat. Both the parties are present. **Mr.M.Swamikkanu**, learned counsel for appellant/claimant and, **Mr.N.Vijayaraghavan** learned counsel for the 2nd respondent/Insurance Company 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.1,75,000/- with interest at the rate of 7.5% per annum from the date of petition, till the date of deposit and costs as compensation. Not being satisfied with the award passed by the tribunal, the appellant/claimant has preferred the present appeal.

2. After due deliberation and consultation, both the parties agreed to enhance the award of the Tribunal to a sum of Rs.65,000/- **in full quit over and above** the award passed by the tribunal.

3. The 2nd respondent/Insurance Company is directed to deposit the entire amount arrived at today in full quit, over and above the award passed by the tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this order. On such deposit being made, the appellant / claimant is entitled to withdraw the same. 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 permission petition. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs.

Mr.M.Swamikkanu

Counsel for the Appellant

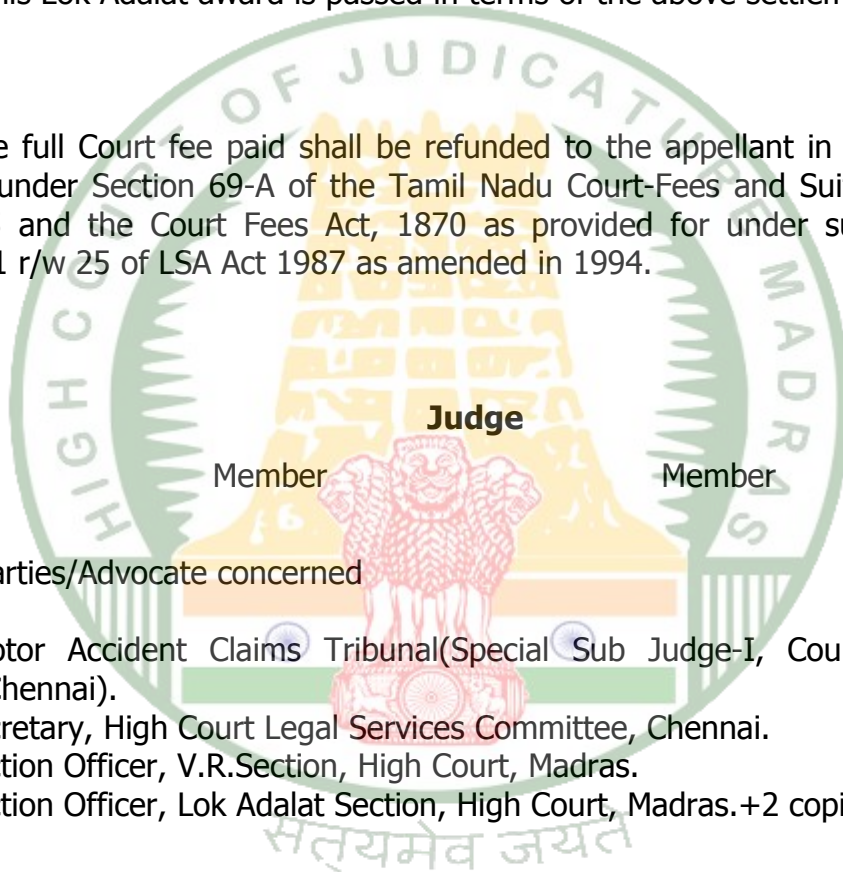
M/s.Cholamandam MS.General Insurance
Co.Ltd, Rashmi Tower, 2nd Floor,
No.1, Village Road, Nungambakkam,
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Office Shifted to:
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Counsel for the 2nd Respondent

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.



To: The parties/Advocate concerned

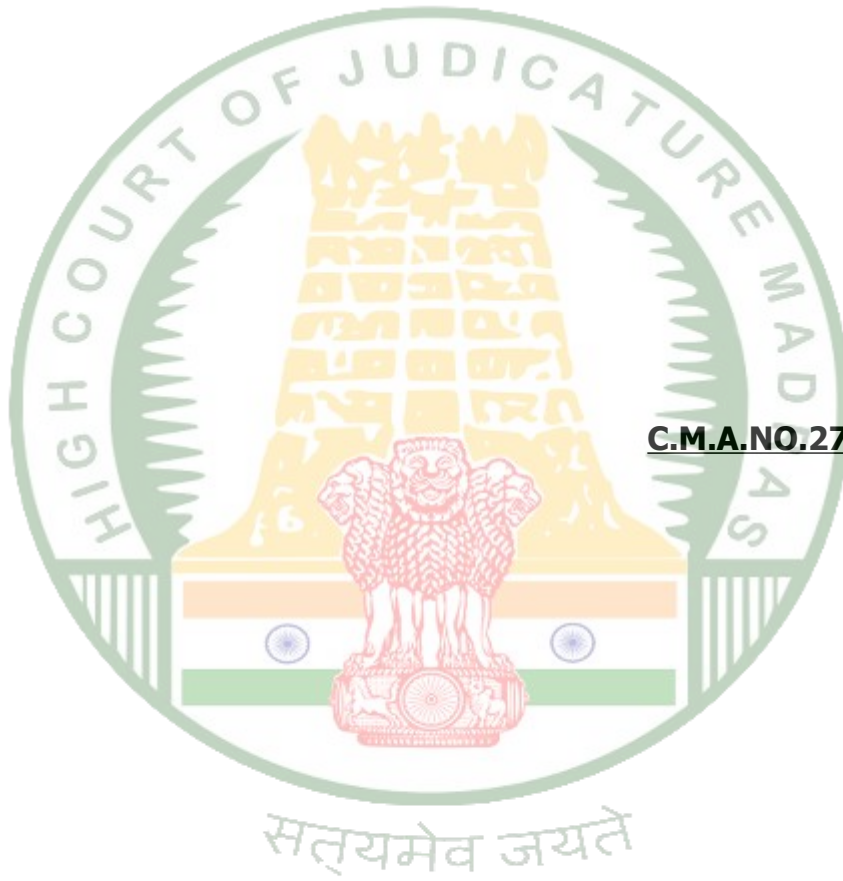
Copy to:

1. The Motor Accident Claims Tribunal (Special Sub Judge-I, 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

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M.GOVINDARAJ, J.

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08.12.2018