

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Wednesday, the 7th of June, 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.Sankara Narayana Pillai
Ms.S.Agalya

C.M.A.No.798 of 2016
C.M.P.No.6448 of 2016

(Appeal against the judgment and decree passed on
19.02.2014 made in O.P.No.158 of 2009 on the file of the Motor
Accidents Claims Tribunal (III Additional District Judge,
Puducherry)

The Divisional Manager,
United India Insurance Co., Ltd,
Puducherry.

Appellant/Respondent

Vs.

1.A.Palani
2.Jayapal Nadar

Respondents/claimants

This case is listed today(07.06.2017). Both parties are
present. Mr.S.Arunkumar, learned counsel for the appellant
and Mr.Prakash Adiapadam, learned counsel for the respondents
are present. After mutual discussion, negotiation between both
parties, they arrived at a compromise to settle the matter as
follows:

TERMS OF SETTLEMENT

The appellant Insurance Company aggrieved by the lower
Court order which granted an award of Rs.4,07,200/- (Rupees Four
lakhs seven thousand two hundred only) preferred this appeal.
The learned counsel appearing for the Insurance Company
suggested, under the heading Medical expenses, awarded
Rs.1,77,500/- (Rupees One lakh seventy seven thousand five
hundred only) by the Lower Court is without any basis, in the
absence of original medical bills. Hear also the party has not
produced the original bills and only photo copies are marked.

2.Taking into consideration, the non-availability of the acceptable evidence, the learned counsel appearing for the appellant, would suggest that only Rs.77,500/- (Rs.Seventy seven thousand five hundred only) alone can be granted considering the injuries under the heading medical expenses and the remaining amount should be deducted.

3.Taking sympathy towards the injured/claimant, we have suggested to enhance the medical expenses, for which the Insurance Company's Lawyer has accepted to give another sum of Rs.25,000/- (Rupees twenty five thousand only), making the compensation under the heading medical expenses, Rs.1,02,500/- (Rupees one laksh two thousand five hundred only), under the heading medical expenses deducting the balance (ie.,) Rs.75,000/-.

4.This quantum of amount was agreed by the parties as well as the learned counsel for the parties, on the both side. Under the above circumstances with the consent of all the parties concerned, the award is modified less Rs.75,000/- (Rupees senventy five thousand only). The balance amount if any, since it is respresented that some amount already deposited and some amount also withdrawn, Insurance Company is directed to deposit before the Lower Court, within four weeks from the date of receipt of a copy of this order. The claimant is entitled to withdraw the due if any.

5.In case if any excess amount has been deposited by the Insurance Company, they are entitled to withdraw the same.

6.The Tribunal is directed to issue the cheques to the parties 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 M.P. is closed.

Sd/-

The Divisional Manager,
United India Insurance Co., Ltd,
Puducherry.

Sd/-

Counsel for the Appellant

Sd/-

1.A.Palani

Sd/-

2.Jayapal Nadar

Counsel for respondents

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,
(III Additional District Judge, Puducherry)
- 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)

abr

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cp (CO)
TR(03/07/2018)