

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday , the 26th day of October, 2017

LOK ADALAT AWARD

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

Presided over by

Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM, (Retd.)
and

Members

M/s.K.Elaiyarani
M/s.M.Nirmalakumari

C.M.A.No.2753 of 2017
and CMP.No.15518 of 2017

(This Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act 1988, to set aside the decree and judgment passed in MCOP.No.1239 of 2013 dated 16.12.2016 on the file of the learned Motor Accident Claims Tribunal (IV Judge) Small Causes Court, At Chennai-District, and be pleased to dismiss the above claim.)

New India Assurance Company Ltd.,
Branch Office, PPK Complex,
1st Floor, South Main Street,
Pudukkottai, Ambalapuram-622 001.
Head Office: MTP Cell. No.45, V-Floor,
Moore Street, Chennai-600 001. .. Appellant/2nd Respondent

Vs.

1.C.Chandra
2.S.Elumalai
3.S.Kribakaran
4.A.K.Habifullah (Ex-parte) .. Respondents/Petitioners 1-3/
1st Respondent

This case is 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.R.Sivakumar 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

This matter is not listed today. The Tribunal has awarded a sum of Rs.12,71,400/- with interest at 7.5% per annum from the date of petition till the date of deposit and as compensation. Aggrieved by the award of the Tribunal, the Appellant/Insurance Company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of RS.9,80,000/-, with interest at 7.5% per annum from the date of petition till the date of deposit and as compensation.

3. The ratio for the each petitioners are as given below:-

"Claim settled for a sum of
Rs.9,80,000/- with interest and cost.
Ratio for the each petitioners.

40%	
98,000 * 4=3,92,000/-	
1 st petitioner goes to 40%	=3,92,000/-
98,000 * 3=2,94,000/-	
II and III petitioners each 30%=2,94,000/-	
	=2,94,000/-
Total Amount =	9,80,000/-

4. The appellant/Insurance Company shall deposit the award amount as settled, above less the amount already deposited within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant/respondent is 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.

5.The Tribunal is directed to issue the cheque 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 miscellaneous petition is closed.

-Sd-

New India Assurance Company Ltd.,
appellant

-Sd-

Counsel for the

-Sd-
1.C.Chandra

-Sd-
Counsel for the 1st respondent

-Sd-
2.S.Elumalai

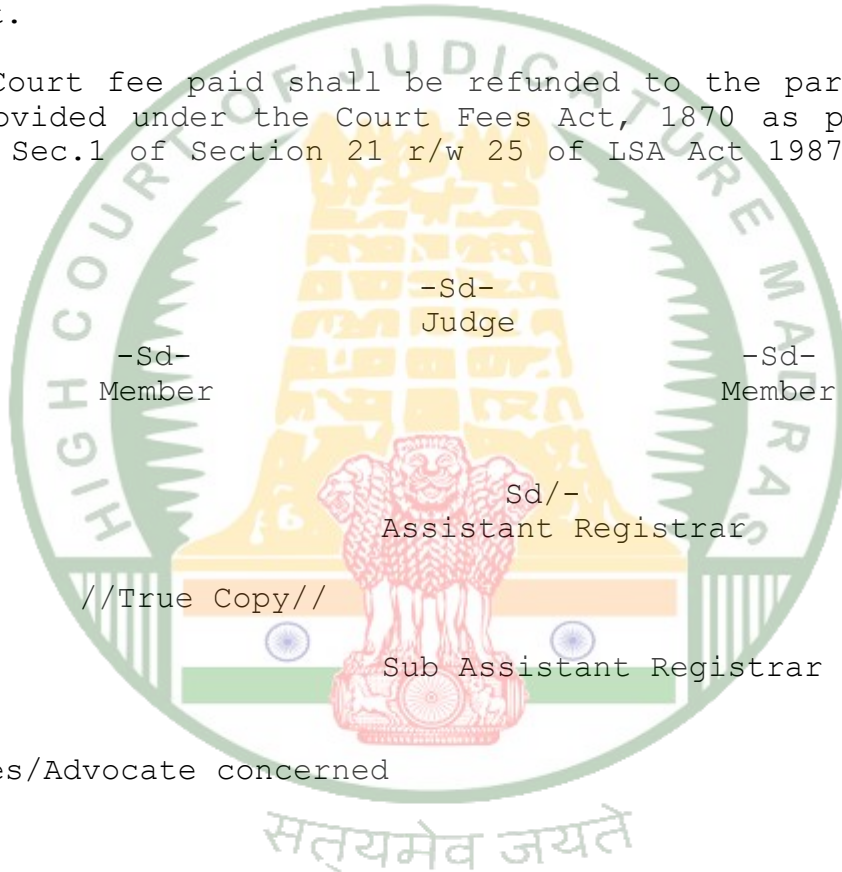
-Sd-
Counsel for the 2nd respondent

-Sd-
3.S.Kribakaran

-Sd-
Counsel for the 3rd respondent

This Lok Adalat award is passed in terms of the above settlement.

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.



To

The parties/Advocate concerned

Copy to

- 1.The Motor Accidents Claims Tribunal
IV 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.+2copies

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