

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 26th day of October, 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Members

- 1.Mr.M.Boopathy
- 2.Mrs.M.Rajalakshmi

CMA.No.2224 of 2009 and Cross Objection No.90 of 2012

Appeal filed under section 173 of Motor Accident Vehicles Act, 1988 against the Judgment and decree dated 17.09.2008 made in M.C.O.P.No.1304 of 2005 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

Bajaj Allianz General Insurance Company Limited,
5th Floor, 25/26, College Road,
Nungambakkam, Chennai - 34.

...Appellant and 1st Respondent in
Cross Objection No.90/2012 and
2nd Respondent in
M.C.O.P.No.1304 of 2009

Vs.

1.S.Kavitha

... 1st Respondent in CMA.2224/2009
and Cross Objector in
Cross Objection No.90/2012

2.R.Rathish

... 2nd Respondent in CMA.2224/2009
and 2nd Respondent in Cross
Objection No.90/2012 and
1st Respondent in M.C.O.P.No.1304 of 2005

(2nd Respondent set Ex-parte before the Tribunal)

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the Appellant Mr.S.Arunkumar & M.L.Ganesh (in CMA.No.2224 of 2009 and fro the

Cross Objector in Cross Objection No.90 of 2012) and the learned counsel for the Respondents Mr.P.Chinnaraj in CMA.No.2224 of 2009 and 1st Respondent in Cross Objection No.90 of 2012), Ms.Thilagavathy, Senior Legal Officer, Bajaj Allianz General Insurance Company Limited 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 appeal in CMA.No.2224 of 2009 and Cross Objection No.90 of 2012 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No. 1304 of 2005 on the file of the Court of II Small Causes Court, Chennai has been referred to Lok Adalat for conciliation today.

2. The Appellant represented by Ms.N.Thilagavathy, Senior Legal Officer, Bajaj Allianz General Insurance Company assisted by counsel and the 1st respondent who is the petitioner before the Tribunal assisted by counsel are present before Lok Adalat today for conciliation. This is a case of Motor Accident causing injury to the 1st respondent / petitioner herein. After considering the merits of the matter, the Tribunal has awarded a sum of Rs.41,920/- (Rupees Forty One Thousand Nine Hundred and Twenty Only) as compensation with interest at 9.5% per annum from the date of petition till the date of deposit and for cost.

3. After due deliberation and discussion, in connection with the appeal as well as cross objection, both the parties have agreed that the appellant / Bajaj Allianz General Insurance Company, Chennai shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) in full quit over and above the awarded amount by the Tribunal along with the accrued interest on the above said awarded amount to the first respondent. The Insurance Company has agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) within six weeks from the date of receipt of copy of this order.

4. In view of the compromise arrived at between both the parties, the Lok Adalat here by declare and decree that the appellant / Insurance company shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) in full quit in the appeal as well as in cross objection in addition to the amount awarded by the Tribunal and the interest accrued on such amount, shall be deposited in bank, within six weeks from the date of receipt of copy of this award.

5. On deposit of the enhanced compensation of Rs.10,000/- (Rupees Ten Thousand only), that the 1st respondent / petitioner

is permitted to withdraw the compromised amount along with amount awarded by Tribunal, if not withdrawn already as referred to above immediately without filing any formal petition. Award is passed accordingly. No order as to costs.

6. The Tribunal is directed to issue the amount through cheque / RTGS to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal and cross objection are disposed of accordingly.

Sd/-

Bajaj Allianz General Insurance Company Limited,
5th Floor, 25/26, College Road,
Nungambakkam, Chennai - 34.

Sd/-

...Counsel for the Appellant

Sd/-

S.Kavitha

Sd/-

...Counsel for the 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

To:

The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
II 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.

CMA.No.2224 of 2009
and

Cross Objection No.90 of 2012

VD(CO)
CS/14/12/2018