

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee
Saturday, the 08th day of December, 2018

LOK ADALAT AWARD

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

Presided by

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

Members:

Mr. A.Selvadoss
Mrs.N.Mala

and

C.M.A.No.1651 of 2013

(The Appeal against the judgment and decree passed in
M.C.O.P.No.2838 of 2011 on the file of the Motor Accident Claims
Tribunal, V Judge, Court of Small Causes, Chennai, dated
14.12.2012).

R.Rohit (Minor)
Rep.by his Father R.Ramesh
No.33/15, Postal Colony 3rd Street,
West Mambalam, Chennai-33.

...Appellant

Vs.

1. P.S.Sridharan
(Ex-parte in Lower Court)
2. Bajaj Allianz General Insurance Company Limited,
No.25/26 Prince Towers, 4th Floor,
College Road, Nungambakkam,
Chennai - 34.

..Respondents

This case is taken up for settlement before the Lok Adalat.
Both the parties are present. The learned counsel for the appellant,

Mr.A.Arumugam, is present. The learned counsel for the 2nd

respondent Mr.M.B.Raghavan is 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.1,09,265/- with interest at 7.5% p.a. from the date of application till the date of deposit as compensation. Not being satisfied with the award passed by the Tribunal, the appellant/claimant has preferred the present appeal for enhancement.

2. After due deliberation and consultation both the parties agreed to enhance the award of the Tribunal. It is submitted by the learned counsel for the 2nd respondent that the award amount has already been deposited and the same was withdrawn by the claimant and only sum of Rs.70,000/- (Rupees Seventy thousand Only) may be awarded in full quit over and above the award passed by the Tribunal. Accordingly, a sum of Rs.70,000/- (Rupees Seventy thousand only) is further awarded in full quit, over and above the award passed by the Tribunal.

3. The second respondent/Insurance Company is directed to deposit the enhanced sum of Rs.70,000/- (Rupees Seventy thousand only) in full quit, within a period of eight weeks from the date of

receipt of a copy of this award, to the credit of M.C.O.P.No.2838 of 2011 on the file of the Motor Accident Claims Tribunal, V Judge, Court of Small Causes, Chennai. On such deposit being made, the appellant is permitted to withdraw the deposited amount of Rs.70,000/- (Rupees Seventy thousand only) on filing proper application. The award is modified accordingly.

4. The Tribunal is directed to transfer the above said amount of Rs.70,000/- (Rupees Seventy thousand only) to the Bank account of the appellant/claimant by way of NEFT/RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

5. The Civil Miscellaneous Appeal is disposed of accordingly.

R.Rohit (Minor)

Rep.by his Father R.Ramesh

Counsel for Appellant

Bajaj Allianz General Insurance Company Ltd.,
No.25/26 Prince Towers, 4th Floor,
College Road, Nungambakkam,
Chennai - 34.

Counsel for second
Respondent

M.DHANDAPANI.J,

rsi/kas

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.

Judge

Member

Member

To

The parties/Counsel concerned
Copy to

- 1.The Motors Accidents Claims Tribunal, V Judge, 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.

WEB COPY

C.M.A.No.1651 of 2013

08.12.2018