

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 13th day of 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. JEYAPPAUL (Retd.)
and

Members

Mr. P. T. Loganathan
Mr. M. Shankar

CMA.No.2139 of 2011 and CMA.No.2166 of 2011
and M.P.No.1 of 2011

Prayer : CMA.No.2139 of 2011 and CMA.No.2166 of 2011 : Appeals
against the judgment and decree dated 11.01.2011 made in
M.C.O.P.No.4667 of 2006 on the file of the Motor Accidents
Claims Tribunal, III Judge, Small Causes Court, Chennai.)

Dhamodharan @ Dhamu .. Appellant in C.M.A, No.2139 of 2011
.. First respondent in CMA.No.2166 of 2011

Vs.

1. Murugapandi (exparte in the lower court)
.. 1st respondent in CMA.No.2139 of 2011
.. 2nd Repondent in CMA.No.2166 of 2011
2. The New India Insurance Company Limited,
No.45, 2nd Line Beach, Moore Street,
Chennai - 1. .. Respondents in CMA.No.2139 of 2011
.... Appellant in CMA.No.2166 of 2011

This case came up for settlment before the Lok Adalat.
Mr.S.Manohar, Learned counsel for the Insurance Company and
Mr.A.N.Viswanatha Rao and Ms.Ramya V. Rao, learned counsel for
the claimant 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

C.M.A.No.2139 of 2011 has been filed by the claimant seeking enhancement of compensation whereas CMA.No.2166 of 2011 has been filed by the Insurance Company challenging the quantum of compensation awarded by the Tribunal.

2. The fact remains that a sum of Rs.9,78,140/- with interest at 7.5% from the date of numbering of petition i.e.11.12.2006 till the date of deposit and cost was awarded by the Tribunal.

3. In terms of the settlement arrived at between the parties, it is submitted by both the parties along with their counsel that CMA.No.2166 of 2011 filed by the Insurance Company may be dismissed and CMA.No.2139 of 2011 filed by the claimant may be allowed enhancing the compensation to the tune of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) in full quit over and above the amount of Rs.9,78,140/- awarded by the Tribunal with interest and costs.

4. In view of the above settlement reported by the both parties, CMA.No.2166 of 2011 stands dismissed and CMA.No.2139 of 2011 is allowed enhancing the compensation to the tune of Rs.7,50,000/- in full quit over and above a sum of Rs.9,78,140/- with interest and costs awarded by the tribunal.

5. The Insurance Company is directed to deposit the aforesaid enhancement award within a period of six weeks from the date of receipt of a copy of this order.

6. On such deposit, the claimant is entitled to withdraw the entire award amount without filing any formal petition before the Tribunal. Award is passed accordingly.

7. The Tribunal is directed to transfer the amount through RTGS/NEFT to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

Sd/-
Dhamodharan @ Dhamu

Sd/-
Counsel for the claimant

Sd/-
The New India Insurance Company Limited,
No.45, 2nd Line Beach, Moore Street,
Chennai - 1.

Sd/-
Counsel for the Insurance company

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
Motor Accidents Claims Tribunal,
III Judge, 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, सत्यमेव जयते
Lok Adalat Section, High Court, Madras.+2 copies

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CMA.No.2139 of 2011
and CMA.No.2166 of 2011

VGII(CO)
CS/18/12/2018