

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 12th 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 J.A.K.SAMPATHKUMAR (Retd.)
and

Members

- 1.Mr.R.Paranjothi, DJ (Retd)
- 2.Mr.G.Purushothaman

C.M.A.No.494 of 2015

Appeal against the Judgment and decree dated 24.07.2012 made in M.C.O.P.No.03 of 2009 on the file of the Motor Accidents Claim Tribunal (Subordinate Judge), Vaniyambadi.(Previously numbered as M.C.O.P.No.632/2007 on the file of the Subordinate court, Thirupathur)

Bajaj Allianz General Insurance Company Limited,
Rep.by its Branch Manager
G.T.S. Complex, No.1, New Katpadi Road,
Vellore. .. Appellant/2nd Respondent

Vs.

- 1.G.Sukkin
 - 2.Jabamaalai Mary
 - 3.John Bosko Rajesh alias Rajesh
 - 4.Anitha Mary
 - 5.A.Alphones
- (R5 Set ex-parte before the Tribunal) .. Respondents/Claimants

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the Appellant Mr.Srinivasan Ramalingam and the learned counsel for the respondent Mr.T.S.Baskaran and Ms.N.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.494 of 2015 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.3 of 2009 on the file of the Subordinate Judge, Vaniyambadi has been referred to Lok Adalat for conciliation today.

2. The Tribunal has awarded a sum of Rs.7,75,000/- (Rupees Seven Lakhs Seventy Five Thousand only) with interest at 7% per annum from the date of petition till the date of deposit. Aggrieved by the award of the Tribunal, the appellant / Insurance Company has preferred the present appeal.

3. Appellant / Insurance Company is present. Respondents / Claimants 1 to 4 are present. Counsel for both sides present. The Joint memo of settlement filed. It reads as follows:

"The respondents 1 to 4 are the claimants filed in MCOP.No.03/2009 on the file of the MAC Tribunal, Vaniyambadi claiming compensation for the death of Mr.Santhakumar. The Claimants are the legal heirs of the deceased. An award dated 24.07.2012 was passed in the above MCOP. The Appellant / Insurance company counsel challenging said Award has filed the above appeal. Pending appeal the dispute between the parties have now settled on the intervention of Lok Adalat on the following terms.

4. The Respondents 1 to 4 hereby agree to receive a sum of Rs.10.25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) towards full quit of their claim against the appellant in respect to the Award passed in MCOP.No.03/2009.

5. The appellants agree for withdrawal of Rs.10,25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) by the respondents 1 to 4 from the amount deposited to the credit of MCOP.No.03/2009 as full quit of the claim of respondents 1 to 4 / Claimants.

6. Both appellants and respondents 1 to 4 hereby agree that after deducting the amount of Rs.10,25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) to be withdrawn by the respondents 1 to 4 in terms of this settlement, the balance amount available in the Court / Bank deposit shall be withdrawn by the appellant and the respondents 1 to 4 have no objection for the same".

7. In view of the Joint memo of compromise the case is disposed of accordingly the award is passed.

8. The claimants are entitled to withdraw the respective shares from the award amount of Rs.10,25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) equally. The excess amount if any, after payment the award amount to the claimants shall be returned to the appellant / Insurance company without filing any formal petition.

9. The 3rd respondent Mr.John Bosko Rajesh @ Rajesh / 3rd Claimant is represented by the father the 1st Respondent / 1st Claimant Mr.G.Sukkin, General Power of Attorney dated 11.10.2018 has filed and the same shall form part of the record.

10. The 1st respondent / 1st Claimant Mr.G.Sukkin, who sign on behalf of the 3rd Respondent / 3rd Claimant Mr.John Bosko Rajesh @ Rajesh.

11. The Tribunal is directed to issue the amount through cheque / RTGS to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal petition. The Civil Miscellaneous Appeal is disposed of accordingly.

sd/-

Bajaj Allianz General Insurance Company Limited,
Rep.by its Branch Manager
G.T.S. Complex, No.1, New Katpadi Road,
Vellore.

sd/-

... Counsel for the Appellant

sd/-

1.G.Sukkin

2.Jabamaalai Mary

3.John Bosko Rajesh alias Rajesh

sd/-

4.Anitha Mary

... Counsel for the 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/-

Judge

sd/-

Member

sd/-

Member

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

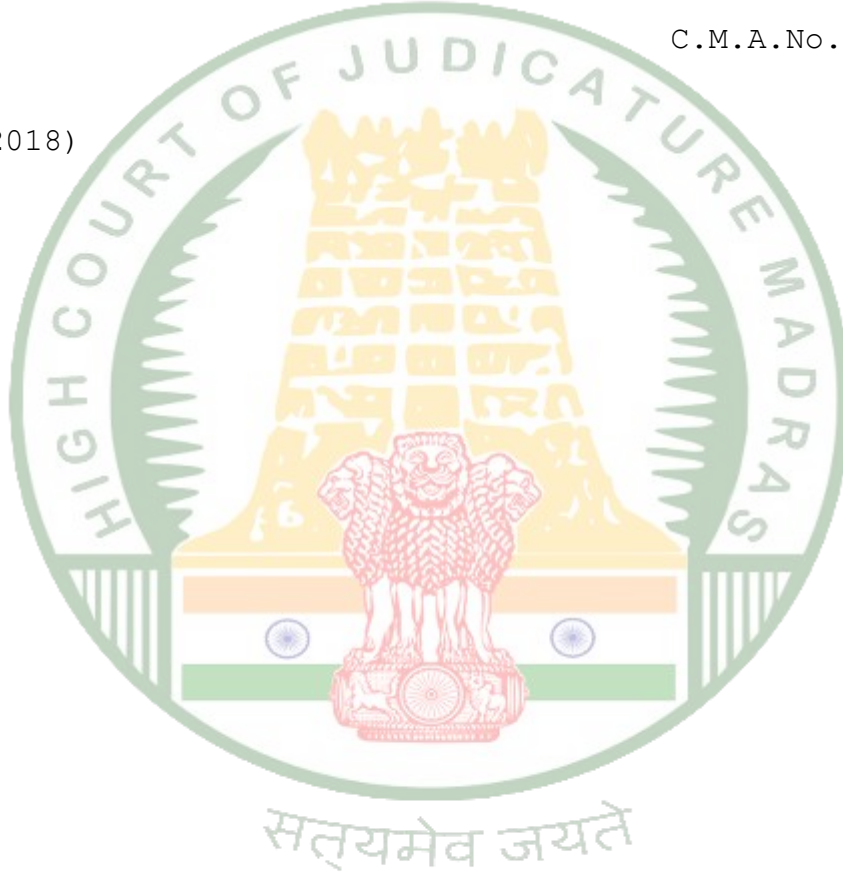
To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal (Subordinate Judge), Vaniyambadi.
 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.
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C.M.A.No.494 of 2015

GP(CO)
SP(20/11/2018)



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