

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th day of September, 2018

NATIONAL LOK ADALAT AWARD

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

Presided over by:- The Hon'ble Mr.JUSTICE R.SURESH KUMAR

Members:- (1) Mrs.M.Rajalakshmi
(2) Mr.V.Karthikeyan

CMA.No.2919 of 2013

(Civil Miscellaneous Appeal against the award and decree passed, dated 22.09.2010 in M.A.C.T.OP.No.297 of 2009 on the file of the Motor Accidents Claims Tribunal, Cuddalore (First Additional Subordinate Judge, Cuddalore).

The Divisional Manager,
National Insurance Co.Ltd.,
J.N.Street,
Pondicherry-1.

Appellant

Vs.

1. Minor Banumathi
Rep. by her father,
Purushothaman
2. Pannerselvam
(R2 has been set ex-parte before the lower Court)

Respondents

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.S.Vadivel, the learned counsel for the Appellant and Mr.R.Sreedhar, learned counsel for the first respondent also present. After mutual discussion, negotiation, mediation and conciliation between both the parties, they arrived at a compromise to settle the matter as follows:-

TERMS OF SETTLEMENT

1. The Appellant Insurance Company has filed this appeal against the award passed by the Motor Accidents Claims Tribunal, Cuddalore (Principal Additional Subordinate Judge, Cuddalore in M.A.C.T.OP.No.297 of 2009, dated 22.09.2010, by and which, the Tribunal awarded a sum of Rs.1,77,224/- with 7.5% interest per annum as against the claim of Rs.6,00,000/-.
2. After negotiation, discussion and deliberation the parties have come to a settlement. According to which, they reached the settlement with the following terms:

(i) the appellant / Insurance Company shall pay a sum of Rs.1,30,000/- with interest at 7.5% per annum from the date of petition till the date of payment.

(ii) It is submitted that the statutory deposit of a sum of Rs.25,000/- was already deposited. Deducting the same, the remaining amount shall be deposited before the lower court within a period of eight weeks from today and on such deposit, the first respondent /claimant shall be at liberty to file a formal petition for withdrawal of the amount and on receipt of the same, the Tribunal shall permit the first respondent / claimant to receive the same without insisting any further proceedings and the order of payment out shall be issued in favour of the first respondent / claimant.

(iii) The first respondent Banumathi was minor at the time of accident as well as at the time of filing the CMA. However, she became major on 30.06.2017 and the said factor is also recorded.

3. Recording the said settlement made between the parties, this Civil Miscellaneous Appeal is disposed of as settled out of Court.

4. Award is passed accordingly.

The Divisional Manager,
National Insurance Co.Ltd.,
J.N.Street,
Pondicherry-1.

Counsel for the Appellant

Banumathi
(Banumathi has been shown as major as recorded in the
order)

Counsel for the first Respondent

This National 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.

सत्यमेव जयते
JUDGE

MEMBER

MEMBER

To: The Parties/Advocates concerned.

Copy to:

- 1.The Motor Accidents Claims Tribunal, Cuddalore (First Additional Subordinate Court, Cuddalore)
- 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.+2 copies

pvs /smi

CMA.No.2919 of 2013
08.09.2018