

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Monday, the 02nd day of July, 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE K.SWAMIDURAI (Retd.)
and

Members

Mr. J.D.Rukmangathan

Mr. S.Sridharan

C.M.A.No.2057 of 2015

(Appeal against the judgment and decree passed on 10.03.2015
in M.C.O.P.No.3745 of 2013 on the file of the Motor Accidents
Claims Tribunal, Chief Judge Small Causes Court, Chennai.

1. P.Kuppan @ Kuppusamy

2. A.Rukumani

..Appellants/Claimants

Vs.

1. D.Dinesh

2. HDFC ERGO General Insurance Co.Ltd.,

Reheja Towers, Delta-4,

177, Anna Salai, Chennai.

.. Respondents/Respondents

(R1 exparte before the Tribunal)

This case is came up for settlement before the Lok Adalat.
Both parties are present. Mr. UM.Ravichandran the learned
counsel for the appellants and Mr.K.Poomalai learned counsel for
the second respondent and Mr.Charles Vijay Chandran, Manager
Legal HDFC ERGO 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 Tribunal has awarded a sum of Rs.7,29,000/- with interest at 7.5 from the date of petition till the date of deposit and costs as compensation. It is represented by the learned counsel for the appellants / claimants that the award amount has already been deposited before the Tribunal and the same has been withdrawn by the claimants / appellants.

2. Not satisfied with the award of the Tribunal, the appellant has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) in full quit as additional compensation over and above the award passed by the Tribunal.

3. The second respondent / Insurance company is directed to deposit the additional award amount within a period of four weeks from the date of receipt of a copy of this order.

4. On such deposit, the appellants / claimants are permitted to withdraw the additional award amount without filing any formal petition before the Tribunal. The appellants / claimants 1 & 2 are permitted to withdraw the modified award amount equally. The award is passed accordingly.

5. The Tribunal is directed to issue the cheque to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any.

sd/-

1. P.Kuppan @ Kuppasamy

2. A.Rukumani

sd/-

Counsel for the Appellant

sd/-

HDFC ERGO General Insurance Co.Ltd.,
Reheja Towers, Delta-4,
177, Anna Salai, Chennai.

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

s/d-
Assistant Registrar(L.A)

True Copy

Sub-Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. The Motor Accidents Claims Tribunal Chief 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, Lok Adalat Section, High Court, Madras. +2 copies

सत्यमेव जयते

C.M.A.No.2057 of 2015

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SP(13/07/2018)