

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services
Committee

Thursday, the 28th day of June, 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE M.THANIKACHALAM, J. (Retd.)
and

Members

Mr.Duraishanmugam
Ms. Esther Darathy

C.M.A.No.2309 of 2011

(Appeal against the Award and decree passed on 20.03.2007 in
M.C.O.P.No.829 of 2005 on the file of the Motor Accident Claims
Tribunal at Gingee.)

The New India Assurance Co. Ltd.,
Pondicherry.

... Appellant/2nd respondent

Vs.

1.Ganapathy
2.S.Vanitha
3.N.Krishnan
4.United India Insurance Co.Ltd.,
Tindivanam.
(Respondents 2 to 4 set-exparte before in Tribunal)

... Respondents/Respondents

This case is taken up for settlement before the Lok Adalat
at the request of both the parties. Both the parties are
present. The learned counsel for the appellant
Mr.K.Thirunavukkarasu and the learned counsel for the 1st
respondent Mr.N.Sampath 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 first respondent/claimant, sustained, some injuries in
a road accident for which he raised a claim of Rs.4,00,000/-
(Rupees four lakhs only) before the Tribunal. After trial the
Tribunal came to the conclusion that the claimant is entitled to
a sum of Rs.3,60,577/- (Rupees three lakhs sixty thousand five
hundred and seventy seven only) for which an award was passed,
with interest thereon at the rate of 7.5% per annum from
21.12.2001, which is under challenge in this appeal.

2. The claimant/first respondent, was aged 65 at the time of filing the petition 2001 and now aged more than 80. Considering his age and the long pendency of the case, the parties were properly advised by the legal mind, resulting a compromise by consent. As represented, compromise was reached, for an Award of Rs.2,90,000/- (Rupees two lakhs ninety thousand only) with interest thereon at the rate of 7.5% per annum from 21.12.2001 till this date with proportionate cost.

3. It is also represented that 50% of the award amount or so, and Rs.25,000/- mandatory deposit have been deposited. If these amounts have derived interest on deposit and otherwise, that should be taken into account, by deducting this amount, from the above said award amount. Under the above said circumstances the Award of the Lower Court is modified accordingly, as under.

4. In the result, the Award of the Lower Court is modified directing the insurance company, to pay a sum of Rs.2,90,000/- with interest thereon at 7.5% per annum from 21.12.2001 to till this date deducting the amount already deposited including interest accrued if any. The Insurance company is further directed to deposit the balance of award amount as said above within four weeks from the date of receipt of copy of this order. On such deposit, the appellant/claimant is entitled to withdraw the same.

The Tribunal is directed to issue the cheques to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly.

Sd\-

The New India Assurance Co. Ltd.,
Pondicherry.

Sd\-

Counsel for the Appellant

Sd\-

Ganapathy

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/-
Member

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

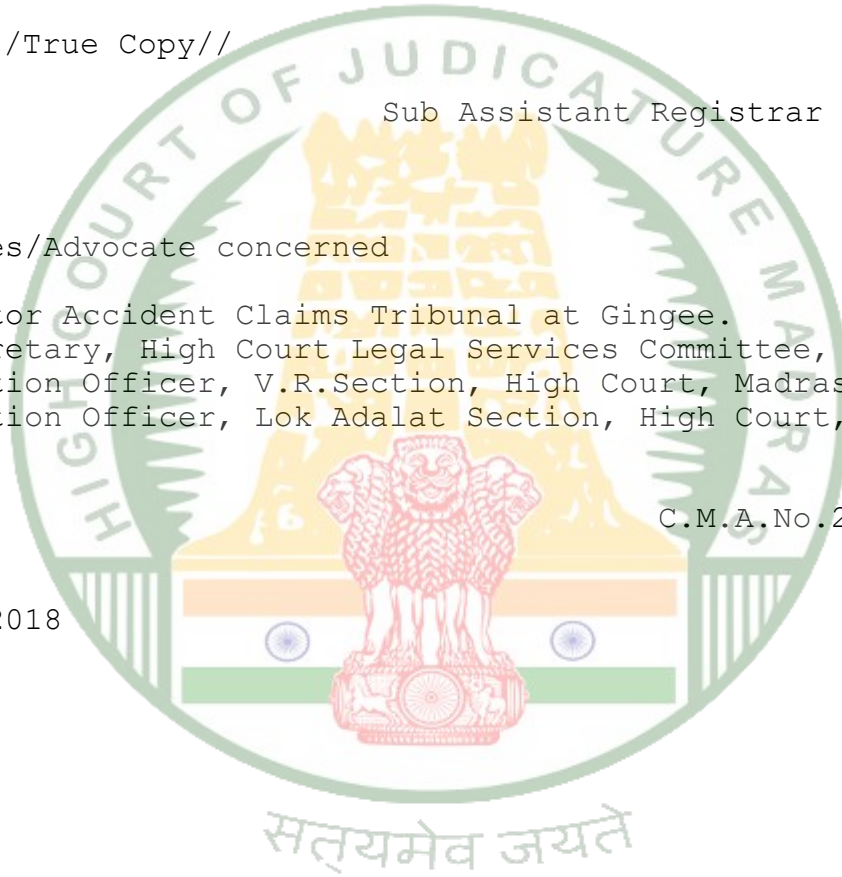
The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal at Gingee.
- 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.

C.M.A.No.2309 of 2011

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