

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
NATIONAL LOK ADALAT ORGANISED BY THE HIGH COURT
LEGAL SERVICES COMMITTEE

SATURDAY, THE 9TH DAY OF DECEMBER, 2017

LOK ADALAT AWARD

(CHAPTER VI AND U/S 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987)
PRESIDED OVER BY

The Hon'ble MR.JUSTICE N.SATHISH KUMAR
and

Members

Mr.S.Rangaraju, District Judge (Retd.)
Mr.V.T.Balaji

C.M.A.No.1666 of 2017

(Appeal against the judgment and decree made in
M.C.O.P.No.438 of 2016 dated 22.02.2017 on the file of the Motor
Accident Claims Tribunal (Special Sub Court No.1), Villupuram)

John Peter

.... Appellant

/versus/

1. Vasanthi

2. United India Insurance Co. Ltd.,
Branch Office, Nehruji Road,
Villupuram.

... Respondent

Though this case is not listed today, at the instance of both parties, this case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.Panneerselvam, learned counsel for appellant/claimant and Mr.Arunkumar, learned counsel for the 2nd respondent/Insurance Company 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.1,33,000/- (Rupees one lakh thirty three thousand only) with interest at the rate of 7.5% per annum from the date of petition till the date of deposit and costs as compensation. Not being satisfied with the award of the Tribunal, the appellant/claimant has preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to the enhanced award amount of Rs.2,00,000/- (Rupees two lakhs only) in full quit(inclusive of interest) as compensation and the same is awarded accordingly.

3. The 2nd respondent/Insurance Company is directed to deposit the above said enhanced award amount of Rs.2,00,000/- (Rupees two lakhs only), in full quit, (inclusive of interest) within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the enhanced award amount. Award is modified accordingly.

4. The Tribunal is directed to issue the cheque to the party viz., John Peter, on proper identification, in accordance with the terms of the award. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any. No costs.

Sd/-
John Peter

Sd/-
Counsel for the Appellant

Sd/-
United India Insurance Co. Ltd.,
Branch Office, Nehruji Road,
Villupuram.

Sd/-
Counsel for the 2nd respondent

This Lok Adalat Award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the parties 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. सत्यमेव जयते

Sd/-
Judge

Sd/-
Member

Sd/-
Member

This Civil Miscellaneous Appeal No.1666 of 2017 having been posted before National Lok Adalat held on 22.04.2018 in pursuance of the earlier Lok Adalat award dated 09.12.2017, presided over by this Lordship NSKJ, this court made the following order;

At the instance of the learned counsel appearing for both sides, this matter is taken up today before this Forum.

2. It is stated by the learned counsel appearing for both sides that the enhanced award of Rs.2,00,000/-, as ordered before this Forum, on 09.12.2017, is not "full quit" and it is "over and above of what is awarded by the Claims Tribunal". The learned counsel appearing for the Insurance Company / second respondent also submitted that they had already deposited the amount awarded by this Forum before the Claims Tribunal. Accordingly, the learned counsels seek clarification on clauses 2 and 3 of the award, dated 09.12.2017.

3. In view of the said submission, the words "full quit (inclusive of interest)" mentioned in clause 2 (2nd line) and clause 3 (2nd line) in award, dated 09.12.2017, passed in the above Civil Miscellaneous Appeal shall be read as "over and above of what is awarded by the Tribunal". It is made clear that in all other respects, the award dated 09.12.2017, shall remain unaltered. The Tribunal is directed to transfer the amount of Rs.2,00,000/- deposited by the Insurance Company to the Savings bank account of the claimant, John Peter, through RTGS, forthwith.

4. The issue is clarified, accordingly.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

srk/ms

Copy to:

- 1.The Motor Accident Claims Tribunal,
Special Sub Court I, Villupuram.
- 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

**Substituted
Order already
despatched on
05.02.2018**

C.M.A.No.1666 of 2017

SS(CO)
CS/24/09/18