



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

LOK ADALAT-I ORGANISED BY THE HIGH COURT LEGAL SERVICES COMMITTEE

WEDNESDAY, THE 27TH DAY OF SEPTEMBER, 2018

WEB COPY

LOK ADALAT AWARD

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

THE HON'BLE MR.JUSTICE P.THANGAVEL (RETD.)
AND

Members

- 1.Mrs.M.Nirmala Kumari
- 2.Mr.A.Thanikasalam

C.M.A.No.109 of 2018 in
CMP.No.1451 of 2018

Appeal against the Judgment and Decree passed on 20.04.2017 made in M.C.O.P. No.4903 of 2013 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

M/s.Cholamandalam MS General Insurance Company Limited,
Najeeva Corporate Centre,
No.1, Village Street,
Nungambakkam,
Chennai - 600 034.

.. Appellant/2nd Respondent

Vs.

- 1.K.Gajalakshmi

.. 1st Respondent/Claimant

- 2.A.Sivakumar
(Set Exparte before the Tribunal)

.. 2nd Respondent/
1st Respondent

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the appellant Mr.M.B.Raghavan and Mr.A.Jagannathan and learned counsel for the Respondent Mr.S.Ravikumar are present. Mr.G.Anandhan, Assistant Manager (Legal) Cholamandalam Insurance Company is 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.109 of 2018 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.4903 of 2013 on the file of the 3rd Court of Small Causes, Chennai, has been referred to Lok Adalat for conciliation today.

2. The Appellant / M/s.Cholamandalam MS General Insurance Company Limited, Chennai, who is the 2nd respondent before the Tribunal assisted by learned counsel Mr.M.B.Raghavan and Mr.A.Jagannathan and the 1st respondent herein who is the Petitioner before the Tribunal assisted by learned counsel Mr.S.Ravikumar are present before the Lok Adalat today for conciliation. This is a case of Motor Accident causing grievous injury to the 1st respondent herein. After considering the merits of the matter, the Tribunal has passed an award for a sum of Rs.8,33,500/- (Rupees Eight Lakhs Thirty Three Thousand Five Hundred only) with interest at 7.5% per annum from the date of petition till the date of deposit of the awarded amount.

3. After due deliberation and discussion, both the parties have compromised the disputed claim at Rs.8,77,888/- (Rupees Eight Lakhs Seventy Seven Thousand Eight Hundred and Eighty Eight only) towards full quit of the claim. Admittedly, the appellant / Insurance Company had deposited a sum of RS.11,27,667/- (Rupees Eleven Lakhs Twenty Seven Thousand Six Hundred and Sixty Seven only) including interest to the credit of this proceeding before the Tribunal.

4. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / Insurance Company shall pay a sum of Rs.8,77,888/- (Rupees Eight Lakhs Seventy Seven Thousand Eight Hundred and Eighty Eight only) to the 1st respondent/petitioner towards full quit of the claim. Since the appellant / Insurance Company has already deposited a sum more than the amount settled in this matter herein, the 1st respondent / petitioner is permitted to withdraw a sum of Rs.8,77,888/- (Rupees Eight Lakhs Seventy Seven Thousand Eight Hundred and Eighty Eight only) towards full quit of the claim immediately without filing any formal petition. The balance amount standing to the credit of this proceeding is ordered to be refunded to the appellant / Insurance Company, after settlement of the amount due to the 1st respondent herein. No order as to costs. Award is passed accordingly.

5. The Tribunal is directed to issue the cheque to the party 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 also closed.

Sd/-

M/s.Cholamandalam MS General Insurance Company Limited,
Najeeva Corporate Centre,
No.1, Village Street,
Nungambakkam,
Chennai - 600 034.

Sd/-

.. Counsel for the Appellant

Sd/-

1.K.Gajalakshmi

Sd/-

.. Counsel for the Respondent

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

The 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

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To:The parties/Advocate concerned

Copy to:

1.The Motor Accidents Claims Tribunal,
III Court of Small Causes, 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)

C.M.A.No.109 of 2018

SS(CO)
CS/29/10/2018