

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

MONDAY, THE 11TH DAY OF JUNE 2018

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

Mr.V.C.Suresh

Mr.S.Muthian

C.M.A.No.1788 of 2017

&

C.M.P.No.9608 of 2017

(Appeal against the judgment and decree dated 21.12.2012 made in M.C.O.P.No.404 of 2009 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judges, Krishnagiri.

The Oriental Insurance Co. Ltd.,
Represented by its Branch Manager,
Arunagiri Complex, 3rd Floor,
Bye Pass Road, Hosur,
Krishnagiri District. .. Appellant/2nd Respondent

Vs.

1. Jothi .. 1st Respondent/Petitioner
2. Mahendiran .. 2nd Respondent/1st Respondent
3. Seenivasan .. 3rd Respondent in both
(R2 & R3 remained exparte before the Tribunal)

This case is taken up for settlement before Lok Adalat today. Both the parties are present. Mr.S.Arun Kumar, the learned counsel for Oriental Insurance Company Limited, and the learned counsel for the respondent for R1 Mr.P.M.Jeyachandran are present. Mr.S.Balakrishnan, Manager, Oriental Insurance Company Limited 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.1788 of 2017 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.404 of 2009 on the file of Principal Subordinate Judges, Krishnagiri, has been referred to Lok Adalat for conciliation today.

2. The appellant, who is the second respondent Oriental Insurance Company Limited represented by its Manager assisted by counsel and the petitioner who is the first respondent are present before Lok Adalat for conciliation today. This is a case of Motor Accident causing injury to the first respondent who is the petitioner before the Tribunal. The Tribunal has awarded a sum of Rs.7,07,576/- with interest at 6% per annum from the date of petition till the date of deposit to the first respondent / petitioner by the appellant Oriental Insurance Company Limited. After great deliberation and discussion both parties have compromised the disputed claim at Rs.6,67,576/- with interest at 6% per annum from the date of petition till the date of deposit. Admittedly amount awarded by the Tribunal has already been deposited before the competent court.

3. In view of the compromise arrived at between both parties, the Lok Adalat hereby declare and decree that the appellant Oriental Insurance Company shall pay a sum of Rs.6,67,576/- with interest at 6% per annum from the date of petition till the date of deposit to the first respondent who is the petitioner. Since the compromised amount has been already deposited before the competent court, the first respondent / petitioner is permitted to withdraw the settled amount from the competent court 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 first respondent herein. No order as to cost. Award is passed accordingly.

4. 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/-
The Oriental Insurance Co. Ltd.,
Represented by its Branch Manager,
Arunagiri Complex, 3rd Floor,
Bye Pass Road, Hosur,
Krishnagiri District.

Sd/-
Counsel for the Appellant

Sd/-
Jothi

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 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(LA)

//True Copy//

Sub Assistant Registrar

Copy to:

- 1.The Motor Accidents Claims Tribunal,
Principal Subordinate Court, Krishnagiri.
- 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.1788 of 2017
&
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PPA(CO)
CS/11/08/18