

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 27th day of July, 2018

LOK ADALAT AWARD

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

Presided over by
Hon'ble Mr.JUSTICE S.K.KRISHNAN(Retd.)
and

Members
Mr.R.Jayaratchagan
Mr.S.Rajeswaran

C.M.A.No.262 of 2016

(Appeal against the judgment and decree dated
24.07.2015, made in M.C.O.P.No.498 of 2010 on the file of
the Motor Accidents Claims Tribunal (Chief Judicial
Magistrate Court) Tiruppur.

Choolamandalam MS General
Insurance Company Limited,
2nd Floor, No.234, N.S.C.Bose Road,
Chennai - 600 001. ... Appellant/ 3rd respondent

Vs.

1.M.Palanisamy ...1st respondent / petitioner

2.A.Basheer Mohammed

3.Shakeer ...Respondents 2&3 /respondents 1&2

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This case is not listed today. On representation of
the counsel for respondent and Insurance Official, this
case is taken up for settlement before the Lok Adalat.
Both the parties are present. Ms.Sri Vidya learned counsel
for the appellant and Mr.S.V.Kandanathan, learned counsel
for the respondent are present and Mr.Srinivasan, General
Manager, Choolamandalam MS 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

This appeal has been preferred by the Cholamandalam MS General Insurance Company Limited against the respondent who injured in the accident that was occurred on 25.04.2009 at about 12.15p.m nearing the place called Thanneerpanthal, Coimbatore. It is stated that, the respondent while driving the Motor Cycle near Thanneerpanthal a car bearing Registration No.KL 09 S 1741 which was driven by the driver, in a negligent manner drove the car on the extremely right side. The respondent who was driving the Motor Cycle on the spot was unable to proceed further as a result of rash and negligent driving of the Car, the respondent sustained injuries. Thereafter, the respondent lodged a Police Complaint before the Singanallur at about the occurrence to the Singanallur Police Station.

2. For claiming the compensation the injured person filed a claim petition before the accident Claims Tribunal, Tiruppur. The learned Judge of Tribunal after considering the evidences available on record awarded a sum of Rs.3,60,000/- on 12.07.2011.

3.As against the order passed by the learned Judge, the present appeal has been preferred by the Cholamandalam Insurance Company. It is stated that at the time of filing this appeal before the High Court. The Cholamandalam MS General Insurance Company Limited deposited a sum of Rs.25,000/- when the appeal came up for hearing before the Court for staying the proceeding of the Tribunal, the High Court directed the Cholamandalam MS General Insurance Company Limited to deposit the entire amount awarded by the Tribunal with interest @7.5%. Accordingly the Cholamandalam MS General Insurance Company Limited deposited a sum of Rs.5,08,408/-before the Lower Court which includes the amount a sum of Rs.25,000/- which was already deposited by the Insurance Company.

4.The learned Counsel appearing for the appellant as well as the counsel appearing for the respondent are present. Both the counsels represented before this Court that they have already discussed the matter and arrived a settlement in this case. Accordingly, they have stated that a sum of Rs.4,28,408/- is fixed, as compensation amount which is considered as a full quit in this case.

5.In view of considering the fact that since the Insurance Company has already deposited a sum of Rs.5,08,408/- after deducting the compensation amount a sum of Rs.4,28,408/- balance sum of Rs.80,000/- has to be returned to the Insurance Company. The Lower Court is directed to refund the said amount to the Insurance Company on receiving the proper application from them.

6. Accordingly, this case is disposed of. It is further directed to both the parties are entitled to refund the occurred interest.

7. On such deposit, the respondents/claimants are permitted to withdraw the above said modified award amount as apportioned by the Tribunal without filing any formal petition. Award is passed accordingly.

8. 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.

The 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/-
Choolamandalam MS General
Insurance Company Limited,
2nd Floor, No.234, N.S.C. Bose Road, sd/-
Chennai - 600 001. ... Counsel for the Appellant

sd/- sd/-
M. Palanisamy ... Counsel for the Respondents

सत्यमेव जयते

sd/-
Judge

sd/-
Member

sd/-
Member

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sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned

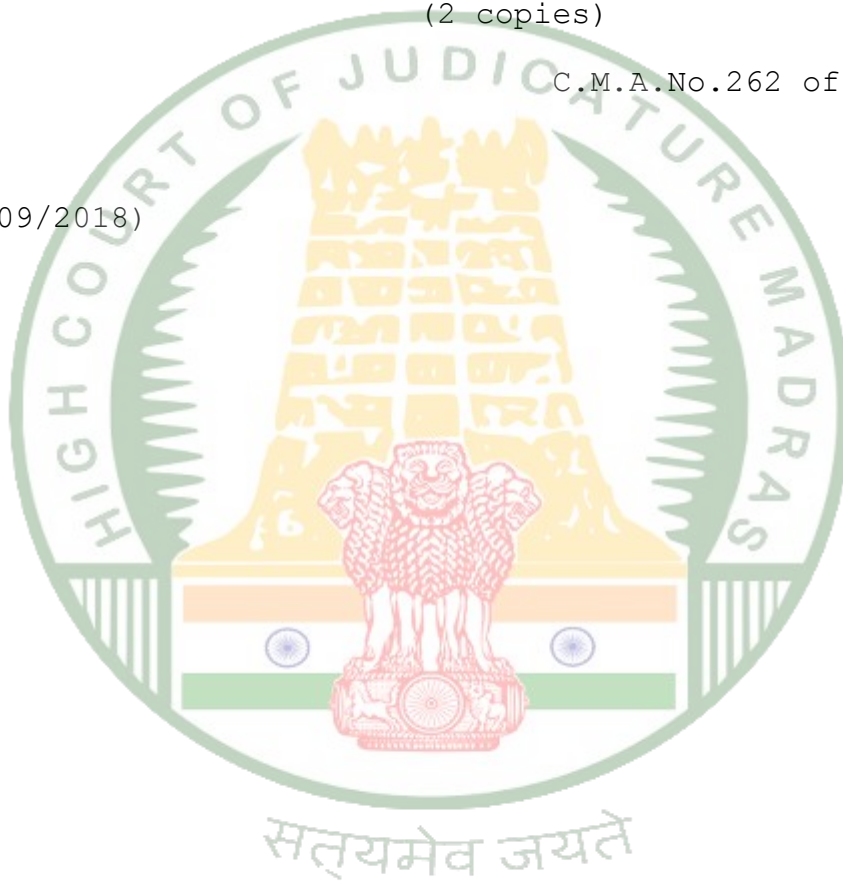
Copy to:

- 1.The Motor Accidents Claims Tribunal
(Chief Judicial Magistrate Court) Tiruppur.
- 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)

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ASK(25/09/2018)



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