

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Wednesday, the 14th day of September 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE S.K.KRISHNAN (Retd.)
and

Members

Mr.E.Krishnan
Mr.S.Arokiamaniraj

C.M.A.No.2761 of 2016

Appeal against the judgment and decree dated 29.01.2016 made in M.C.O.P.No.1329 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Tiruppur.

M/s.Cholamandalam MS
General Insurance Company Limited,
Kalaikadir Building,
No.963/1 Avinashi Road,
Coimbatore - 37. ... Appellant/3rd Respondent

Vs. ... 1st Respondent/Claimant
1.A.Prakash
2.C.Govindasamy
3.N.Kaliappan
Respondents
(R2 and R3 are exparte
before the Tribunal)

This case has not been listed today. Since both the parties are present, the case is taken up for settlement before the Lok Adalat. Mr.N.Vijayaraghavan,, the learned counsel for the Appellant and the learned counsel for the Respondent-1 Mr.K.Myilsamy 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

1. The appellant herein in this appeal is M/s.Cholamandalam General Insurance Company Limited.

2. The 1st respondent is the injured person. He sustained injuries on 29.06.2013 around 8.00 a.m, while he was proceeding towards Rengapalayam in Tiruppur, Karur Road. The injured was driving in a vehicle (two wheeler) bearing Registration No.TN.47 AC9526. The lorry bearing Registration No.TN.42 F5096 was proceeding from the opposite direction dashed against the person who drove the two wheeler of vehicle which came from opposite direction. As a result of that, the driver of the two wheeler was sustained severe injuries. For the said reason, Criminal case was registered against the driver of the lorry.

3. For Claiming compensation, the injured person filed a claim petition before the Chief Judicial Magistrate, Tiruppur, in MCOP.No.1329 of 2013. The learned Chief Judicial Magistrate, on consideration of the facts and reasons stated by the injured person, ordered an award for a sum of Rs.12,45,250/- (Rupees Twelve Lakhs Forty Five Thousand Two Hundred and Fifty only) at the rate of 7.5% interest through Judgment and Decree dated 29.01.2016.

4. Aggrieved against the said order, passed by the learned Chief Judicial Magistrate, M/s.Cholamandalam Insurance Company has preferred this appeal.

5. When this appeal is taken up for hearing today, the learned counsel representing Insurance Company has stated that the insurance company has deposited an entire award amount along with accrued rate of interest. The learned counsel for the Respondent is also present.

6. Both counsels represented before this Lok Adalat that they have stated that the said case has compromised between the parties, as a result of that a sum of Rs.12,50,000/- (Rupees Twelve Lakhs Fifty Thousand only) is considered as an award in full quit.

7. Further, the officer represented by the Insurance Company would submit that they have already deposited Rs.15,17,676/- (Rupees Fifteen Lakhs Seventeen Thousand Six Hundred and Seventy Six only) including with interest into the Court.

8. In view of considering the fact that since the Insurance Company has already deposited excess amount into the Court, the balance amount of Rs.2,67,676/- (Rupees Two Lakhs Seventy Seven Thousand Six Hundred and Seventy Six only) with interest from the bank has to be refunded to the Insurance Company. Similarly, whatever the interest available towards the accepted amount i.e Rs.12,50,000/- (Rupees Twelve Lakhs Fifty Thousand only) with bank interest has to be withdrawn by the 1st

Respondent / Claimant.

9. Accordingly, with the above stated terms and conditions this appeal is disposed of accordingly.

S/d
M/s.Cholamandalam MS
General Insurance Company Limited,
Kalaikadir Building,
No.963/1 Avinashi Road,
Coimbatore - 37.

S/d
Counsel for the appellant

S/d
1.A.Prakash

S/d
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.

S/d
Judge

S/d
Member

S/d
Member

Sd/-
Assistant Registrar(L.A)

//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.(2 Copies)

4.The Section Officer, Lok Adalat Section, High Court, Madras.
+2 copies

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GMV (29/10/2018)



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