

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Monday, the 26th day of March 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. K.Ramakrishnan

Mr. S.K.P.Dilip Babu

C.M.A.No.2068 of 2017

(Appeal against the judgment and decree dated 07.12.2011
made in M.C.O.P.No.5 of 2010 on the file of the Motor
Accidents Claims Tribunal, (District Judge at Karaikal).

B.Kumarasamy @ Saravanan .. Appellant

Vs.

1. Ganesan

2. Muthulakshmi

(R-1 & R-2 remained absent
and set exparte by the lower court.
Hence Notice for R1 & R2 not
necessary)

3. The Oriental Insurance Co., Ltd.,

Represented by its Manager
Shoba TSM Complex, R.S.Road,
Opp. To Town Railway Station,
Palghat, Kerala.

.. Respondents

This case came up for settlement before the Lok
Adalat. Both parties are present. Mr.R.Vasudevan, learned
counsel for the appellant and Mr.M.Krishnamoorthy learned
counsel for the third respondent 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.1,54,378- with interest at 7.5% per annum from the date of filing of petition. It is represented by the learned counsel for the appellant / claimant that the award amount has already been deposited before the Tribunal and the same has been withdrawn by the claimant / appellant.

2. Not satisfied with the award of the Tribunal, the claimant / appellant has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.60,000/- (Rupees Sixty Thousand only) in full quit as additional compensation in addition to the awarded amount.

3. The third respondent / Insurance Company is directed to deposit the additional award amount within a period of six weeks from the date of receipt of a copy of this order.

4. On such deposit, the appellant / claimant is permitted to withdraw the additional award amount without filing any formal petition before the Tribunal, if awarded amount is already withdrawn. The 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.

Sd/-
B.Kumarasamy @ Saravanan Counsel for the Appellant

Sd/-
The Oriental Insurance Co., Ltd.,
Represented by its Manager
Shoba TSM Complex, R.S.Road,
Opp. To Town Railway Station,
Palghat, Kerala.

Sd/-
Counsel for the Appellant

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/-
Judge

Sd/-
Member

Sd/-
Member

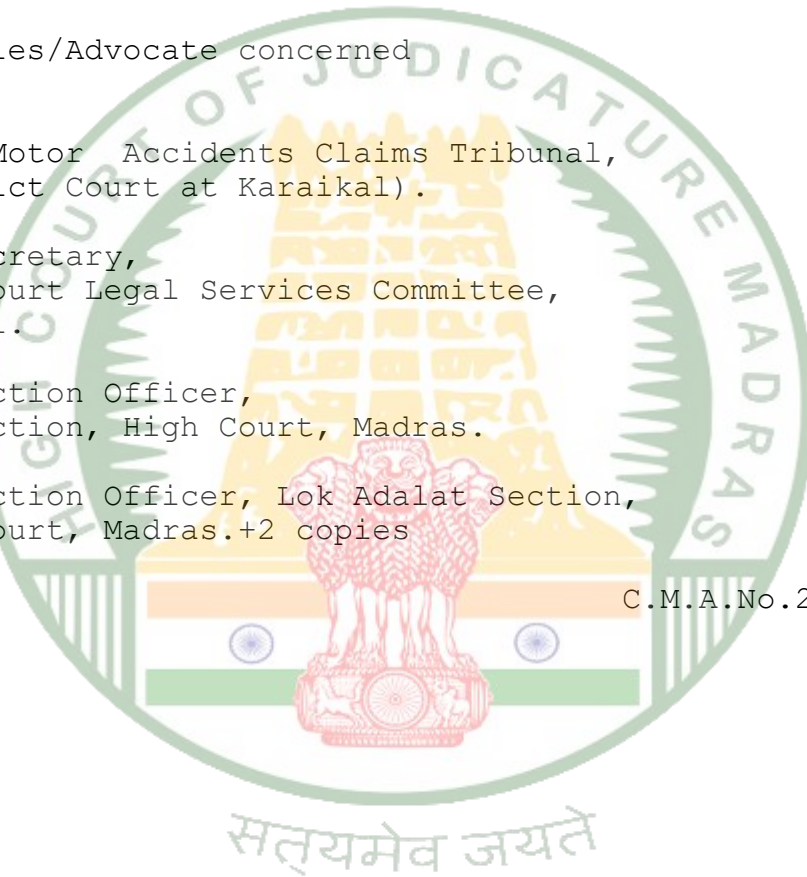
To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
(District Court at Karaikal).
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.2068 of 2017

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