

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 22nd 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 T.N.VALLINAYAGAM (Retd.)
and

Members

Mr. N.Mohandoss
Mr. G.Purushothaman

C.M.A.No.437 of 2018
&
C.M.P.No.3827 of 2018

(Appeal against the judgment and decree dated
28.08.2017 made in M.C.O.P.No. 274 of 2015 on the file of
the Motor Accidents Claims Tribunal -1, Special District
Judge, Tiruvallur.

Cholamandalam MS General Insurance
Company Ltd.,
Motor Third Party Cell,
"Harinivas" Tower"
No.163, Thambu Chetty Street,
Chennai 600 -

.. Appellant / 2nd Respondent

सत्यमेव जयते
Vs.

1. Mrs.C.Sathyabama
2.Mr.P.Sivaprakasan

... 1 & 2 Respondents/1 & 2 Petitioners

3. A.Sathya Rani

... 3rd Respondent/1st Respondent

(R3 remained exparte before the Tribunal)

This case is taken up for settlement before Lok
Adalat. Both the parties are present. Mr.R.V.Sivaraj,
for Mr.J.Michael Visuvasam the learned counsel for

Cholamandalam MS General Insurance Company Limited, and the learned counsel for the respondents for Mr.M.Murali are present. Mr.A.Srinivasan Assistant Manager, Cholamandalam MS General 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.437 of 2018 pending on the file of High Court, Madras and preferred against the award passed in

MCOP.No.274 of 2015 on the file of Special District Court Tiruvallur has been referred to Lok Adalat for conciliation today.

2. The appellant, Cholamandalam MS General Insurance Company Limited, Chennai the second respondent before the Tribunal assisted by counsel Mr.J.Michael Visuvasam and first and second respondents who are the petitioner before the Tribunal assisted by counsel Mr.M.Murali are present before Lok Adalat today. This is a case of Motor Accident causing fatal to the deceased P.Harith Thishi. The Tribunal has passed an award for a sum of Rs.28,50,000/- along with interest and cost. After great deliberation and discussion both parties have compromised the disputed claim at Rs.29,50,000/- in full quit of the claim. Admittedly a sum of Rs.34,04,990/- including TDS has been deposited by the appellant. The I - II respondents / I - II petitioners are agreed for a sum of Rs.29,50,000/- (in full quit) therefore the first and second respondents can withdraw the said amount without filing any formal petition.

3. In view of the compromise arrived at between both parties, the Lok Adalat here by declare and decree that the appellant / second respondent General Insurance Company Limited entitled to withdraw the balance amount of Rs.4,54,990/- within a week from the date of receipt of copy of this order by filing a formal petition before the Tribunal.

4. The Tribunal is directed to transfer the award amount of Rs.29,50,000/- by way of RTGS/NEFT to the petitioners bank

account i.e., Rs.19,00,000/- (Rupees Nineteen Lakhs only) to the mother Mrs.C.Sathyabama and Rs.10,50,000/- to the father Mr.Sivaprakasan concerned on proper proper identification in accordance with the terms of the award, without insisting on any formal permission petition and also Tribunal is directed to refund the balance amount of Rs.4,54,990/- to appellant / Insurance Company. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected miscellaneous petition is closed, if any.

Sd\
Cholamandalam MS General Insurance
Company Ltd.,
Motor Third Party Cell,
"Harinivas" Tower"
No.163, Thambu Chetty Street, Sd\
Chennai 600 - 001. Counsel for the Appellant

Sd\
1. Mrs.C.Sathyabama

Sd\ Sd\
2. Mr.P.Sivaprakasan 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

सत्यमेव जयते

Sd\
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:The parties/Advocate concerned

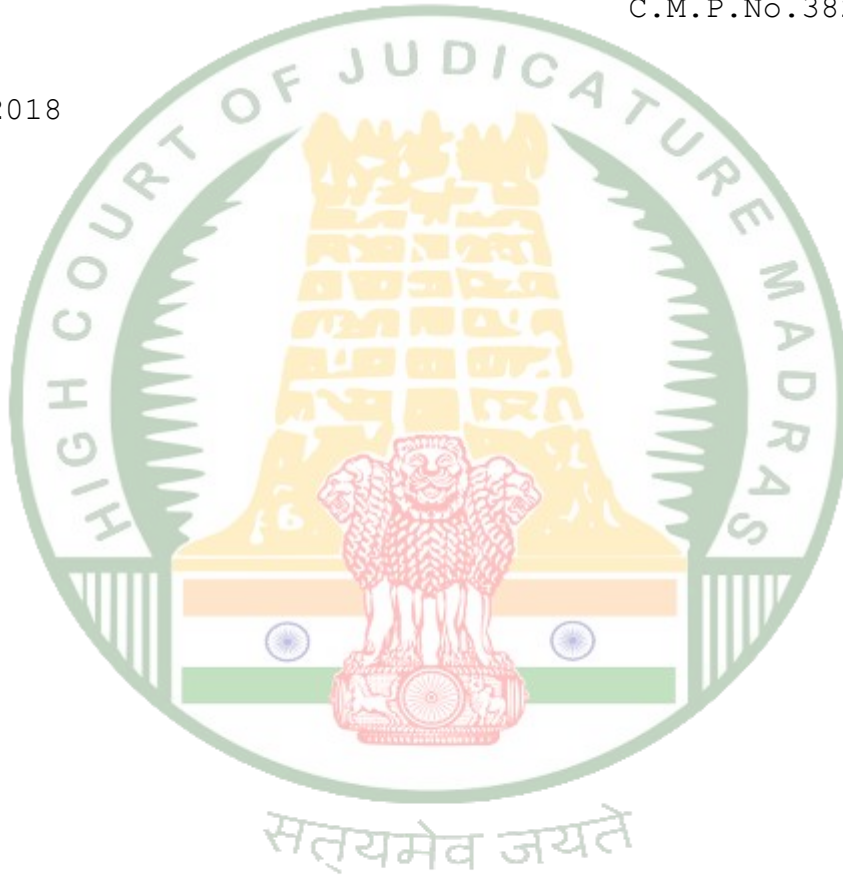
Copy to:

- 1.The Motor Accidents Claims Tribunal,
Special District court, Tiruvallur.
- 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.

C.M.A.No.437 of
2018

&
C.M.P.No.3827 of 2018

pvs (co)
nr 03/07/2018



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