

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 27th day of April 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. P.T.Loganathan
Mrs.V.Nalini

C.M.A.No.645 of 2018

&

C.M.P.No.5807 of 2018

(Appeal against the judgment and decree dated 22.08.2017 made in M.C.O.P.No.385 of 2015 on the file of the Motor Accidents Claims Tribunal, (II Additional District and Sessions Court), Tiruppur.

Cholamandalam MS General Insurance
Company Ltd.,
Shanthi Gears Ltd., 304-A, 3rd Floor,
Shanthi Gears Road, Singanallur,
Coimbatore 641 005.

.. Appellant / 2nd Respondent

Vs.

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1. Chithra
2. Lakshmipriya .. Respondents/Petitioners
(2nd respondent minor, represented
by her mother and next friend
Chithra, the first respondent herein)

3. A.Murugan

(Exparte before the Tribunal) .. Respondent/Respondent-1

This case is taken up for settlement before Lok Adalat. Both the parties are present. Mr.S.Manohar, the learned counsel for Cholamandalam MS General Insurance Company Limited, and the learned counsel for the R1 & R2 for Mr.J.Srinivasan 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.645 of 2018 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.385 of 2015 on the file of II Additional District Judge Tiruppur has been referred to Lok Adalat for conciliation today.

2. The appellant Cholamandalam MS General Insurance Company Limited, represented by assistant Manager, Mr.Srinivasan and assisted by counsel Mr.S.Manohar, and respondents 1 & 2 who are claimants before Tribunal assisted by counsel are present before Lok Adalat for conciliation today. This is a case of fatal accident. Tribunal passed an award for a sum of Rs.17,50,000/- with interest at 7.5% per annum from the date of petition till the date of deposit along with cost of Tribunal. After great deliberation and discussion both parties have compromised the disputed claim at Rs.19,50,000/- towards full quit of the claim. Admittedly a sum of Rs.12,49,601/- has been deposited already before competent court and the appellant Insurance Company has agreed to deposit the balance amount of Rs.7,00,399/- within six weeks from the date of receipt of copy of this award.

3. In view of the compromise arrived at between both parties, the Lok Adalat here by declare and decree that the appellant Insurance Company shall pay a sum of Rs.19,50,000/- less Rs.12,49,601/- already deposited before competent court, towards full quit of the claim within six weeks from the date of receipt of copy of this award. On deposit of the entire compromised amount the respondents 1 & 2, who are claims before the Tribunal, shall apportion the compromised amount as already apportioned by the Tribunal in its award. The share of the minor Lakshmi priya, the second / claimant shall be deposited in any one of the Nationalised Bank till the minor attains majority. The first respondent is permitted to

withdraw her share of amount immediately without filing any formal petition. No order as cost. Award is passed accordingly.

4. 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. Consequently, connected miscellaneous petition is closed, if any.

Sd/-
Cholamandalam MS General Insurance
Company Ltd.,
Shanthi Gears Ltd., 304-A, 3rd Floor,
Shanthi Gears Road, Singanallur,
Coimbatore 641 005.

Sd/-
Counsel for the appellant

Sd/-
1. Chithra

Sd/-
2. Lakshmipriya
(2nd respondent minor, represented
by her mother and next friend
Chithra, the first
respondent herein)

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
सत्यमेव जयते

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

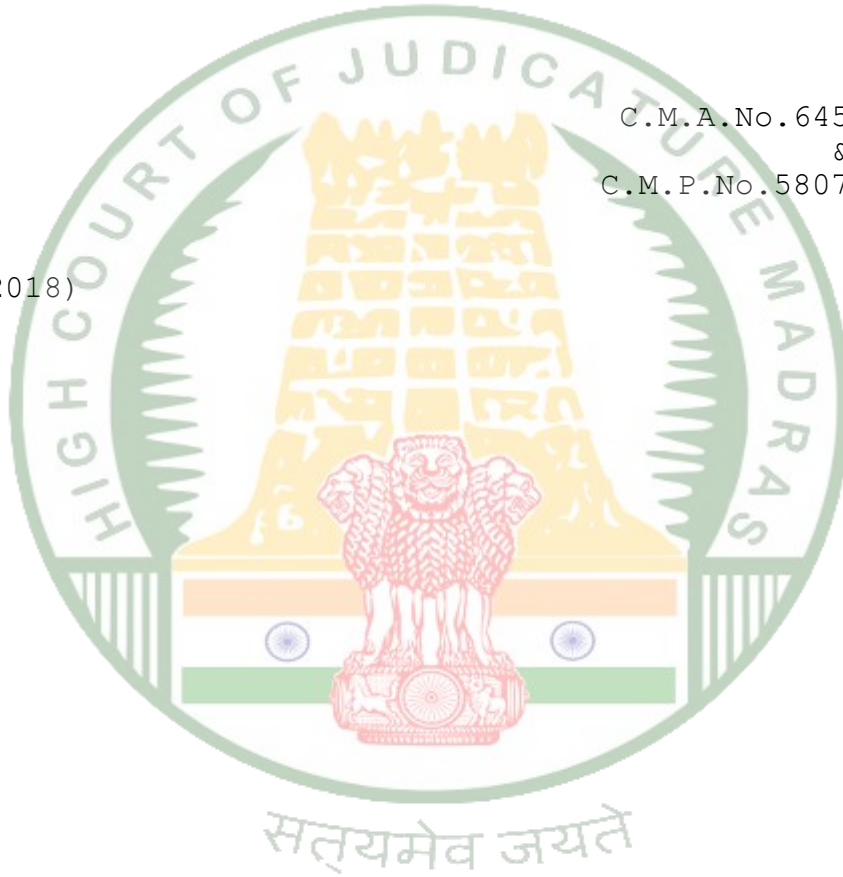
To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
(II Additional District and Sessions 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.

C.M.A.No.645 of 2018
&
C.M.P.No.5807 of 2018

BR(CO)
TR(29/06/2018)



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