

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 28th day of June, 2018

LOK ADALAT AWARD

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

Presided by

The Hon'ble Mr.JUSTICE M.THANIKACHALAM (Retd.)
and

Members

Mr.Duraishanmugam
Ms. Esther Darathy

C.M.A.No.3142 OF 2017

(Appeal against the Award and decree passed on 17.07.2017 in M.C.O.P.No.4627 of 2014 on the file of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.)

P.Subramani ... Appellant/Petitioner

Vs.

1.P.Hari

(1st respondent set exparte before the Tribunal)

2.The Manager,

The New India Assurance Co. Ltd.,
No.45, Moore Street, 5th Floor,
Chennai - 600 001.

... Respondents/ Respondents

This case is taken up for settlement before the Lok Adalat at the request of both the parties. Both the parties are present. The learned counsel for the appellant Mr.A.A.Venkatesan and the learned counsel for the 2nd respondent Mr.K.Thirunavukkarasu 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 Appellant/claimant, having sustained some injuries in a road accident, approached the Tribunal for a compensation of

Rs.15,00,000/- (Rupees fifteen lakhs only) which ended in an Award of Rs.5,13,000/- (Rupees five lakhs thirteen thousand only). The claimant realising that the amount is too low filed this CMA for enhancement of Rs.5,00,000/-(Rupees five lakhs only), in addition to the amount already Awarded.

2. The parties have settled the matter and they have reported that an additional Award amount of Rs.1,70,000/- (Rupees one lakh seventy thousand only) may be awarded in full quit, in addition to the amount already awarded, which appears to have been received by the claimant also as reported.

3. Under the above circumstances, an additional award is passed for a sum of Rs.1,70,000/- (Rupees one lakh seventy thousand only), in full quit of the claim in the appeal and the respondent/insurance company is directed to deposit the above amount within four weeks from the date of receipt of copy of this order. On such deposit, the appellant/claimant is entitled to withdraw the same.

4. The Tribunal is directed to issue the cheques to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-
P.Subramani

Sd/-
Counsel for the Appellant

Sd/-
The Manager,
The New India Assurance Co. Ltd.,
No.45, Moore Street, 5th Floor,
Chennai - 600 001.

Sd/-
Counsel for 2nd respondent

This 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/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar (L.A)

//True copy//

Sub Assistant Registrar

To
The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.
- 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.3142 OF 2017

SJ(CO)
GMY(23/01/2019)

सत्यमेव जयते

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