

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.705 of 2018
&
C.M.P.NO.6064 of 2018

(Appeal against the judgment and decree dated
07.09.2016 made in M.C.O.P.No.765 of 2012 on the file of the
Motor Accidents Claims Tribunal, II Additional District
Court, Poonamallee.

Cholamandalam MS General
Insurance Company Ltd.,
No.1, Village Road,
Rashmi Towers,
Nungambakkam
Chennai - 600 034.

... Appellant / 4th Respondent

Vs.

1. Prabhu ... 1st Respondent / Petitioner
2. P.Gopalakrishnan
3. M/s.Oriental Insurance
Company Limited.
Thirty Party Cell,
Old No.115, New No.216,
Prakasam Road, Broadway,
Chennai 600 108.
4. I.M.Jannathul Dhasneem
... Respondents 2 to 4 / Respondents 1 to 3

This case is taken up for settlement before Lok Adalat today. Both the parties are present. Mr.A.Jeganathan, for Mr.M.B.Gopalan Associates the learned counsel for Cholamandalam MS General Insurance Company Limited, and the learned counsel for the respondent M/s.Nithya 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.705 of 2018 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.765 of 2012 on the file of the Motor Accident Claims Tribunal II Additional District Court, Poonamallee has been referred to Lok Adalat for conciliation today.

2. The appellant / Cholamandalam MS General Insurance Company Limited, who is the 4th respondent before the Tribunal represented by Assistant Manager and assisted by counsel and the respondent more particularly claimant who is the first respondent before the Tribunal assisted by counsel are present before Lok Adalat for conciliation today. This is a case of accident causing injury to the claimant / first respondent. The Tribunal has passed an award for a sum of Rs.3,64,000/- with interest 7.5% per annum from the date of petition till the date of deposit along with cost of Tribunal.

3. The Tribunal has fixed the liability of 20% for claimant and 40% each for 2nd respondent / Oriental Insurance Company Limited and 4th respondent / Cholamandalam MS General Insurance Company Limited. Neither the claimant nor the 2nd respondent / Oriental Insurance Company Limited questioned the correctness of the award passed by the Tribunal and therefore, that part of the award has become final. Agreed at the award 4th respondent / Cholamandalam MS General Insurance Company Limited, whose liberty worked out Rs.1,45,600/- with interest at 7.5% per annum from the date of petition till the date of deposit and cost preferred this appeal.

4. After great deliberation and discussion the claimant and the 4th respondent / Cholamandalam MS General Insurance Company Limited have compromised the disputed claim at Rs.1,40,000/- towards full quit of the claim. Admittedly a sum of Rs.25,000/- has been deposited before the competent court by the appellant 4th respondent / Cholamandalam MS General Insurance Company Limited. The said appellant has agreed to deposit the balance amount within six weeks from the date of receipt of copy of this award.

5. In view of the compromise arrived at between both parties, the Lok Adalat here by declare and decree that the appellant shall pay a sum of Rs.1,40,000/- less Rs.25,000/- 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 balance amount the claimant / first respondent is permitted to withdraw the compensation

amount payable by the appellant / 4th respondent immediately without filing any formal petition. Except appellant and first respondent in this appeal, other parties have nothing to do with this appeal.

6. The Tribunal is directed to issue the cheque to the parties 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.,
No.1, Village Road,
Rashmi Towers,
Nungambakkam
Chennai - 600 034.

sd/-

Counsel for the appellant

sd/-

Prabhu

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

s/d-

Assistant Registrar(L.A)

True Copy

Sub-Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
II Additional District Court, Poonamallee.

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.

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SVN(CO)
SRG(27/06/2018)



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