

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday the 8th day of September 2018
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Honourable Mr.JUSTICE M.V.MURALIDARAN

and

Members:

Mr.A.Manivasakan (District Judge Rtd.,)
Mr.M.Damodharan

C.M.A.Nos.3359 of 2014 and 1073 of 2015

(Appeal against the award made in M.C.O.P.No.3381 of 2012, dated 26.08.2014, on the file of the Motor Accidents Claims Tribunal (Court of Small Causes No.II, Chennai).

C.M.A.No.3359 of 2014

United India Insurance Company Limited,
'Silingi Building',
No.134, Greams Road,
Chennai - 6.

... Appellant

Vs.

1.T.P.Ramar Nadar

2.K.Venkataraman

(R1 remained exparte in the lower court)

... Respondents

Though the matter is not in the list, at the request of both the parties this case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.D.Bhaskaran, learned counsel appearing for the appellant and Mr.A.Shanmugaraj, learned counsel appearing for second respondent are present.

C.M.A.No.1073 of 2015

T.P.Ramar Nadar

... Appellant

Vs.

1.K.Venkataraman

2.United India Insurance Company Limited,
 'Silingi Building',
 No.134, Greams Road,
 Chennai - 6.

... Respondents

Though the matter is not in the list, at the request of both the parties this case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.A.Shanmugaraj, learned counsel appearing for the appellant and Mr.D.Baskaran, learned counsel appearing for second 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.13,36,000/- with interest at the rate of 7.5% per annum from the date of the petition till the date of deposit of the award amount. Aggrieved by the said award, the present civil miscellaneous appeals have been filed.

2. After due deliberation and consultation, both the parties have agreed for the settlement as follows:

(i)The Insurance company is entitled to 40% of the amount awarded by the Tribunal with interest at the rate of 7.5% per annum.

(ii)The claimant is entitled to 60% of the amount awarded by the Tribunal with interest at the rate of 7.5% per annum.

3.It is submitted that the United India Insurance Company Limited had already deposited the amount awarded by the Tribunal.

4.The claimant is permitted to withdraw 60% of the amount awarded by the Tribunal along with interest, less the amount if any already withdrawn by him,without filing any formal petition. The Insurance Company is permitted to withdraw 40% of the amount awarded by the Tribunal along with interest. Award is modified accordingly.

5. Accordingly, the Tribunal is directed to transfer the amount through RTGS to the party on proper identification in accordance with the terms of the award, without insisting on any formal petition. The Award is passed accordingly.

The Civil Miscellaneous Appeals are disposed of accordingly. Consequently, the connected MPs, if any, are closed.

United India Insurance Company Limited,
'Silingi Building',
No.134, Greams Road,
Chennai - 6.

Counsel for Appellant in C.M.A.No.3359/ 2014 /
Counsel for 2nd respondent in C.M.A.No.1073/2015

1.T.P.Ramar Nadar Counsel for 1st respondent in C.M.A.No.3359/ 2014 /
Counsel for the petitioner in C.M.A.No.1073/2015

2.K.Venkataraman Counsel for 2nd respondent in C.M.A.No.3359/ 2014 /
Counsel for 1st respondent in C.M.A.No.1073/2015

M.V.MURALIDARAN., J

cla/ms

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.



To: The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal (Court of Small Causes No.II, Chennai).
- 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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08.09.2018