

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Sunday, the 22nd day of April, 2018
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr.JUSTICE P.D. AUDIKESAVALU

and

Members

Mr.R.Prathap Kumar

Mr.K.Ramakrishnan

C.M.A.No.2764 of 2014

and

Cros.Obj.No.99 of 2015

This Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988, praying, against the award and decree dated 05.02.2014 passed in M.C.O.P.No.3539 of 2010 on the file of the Motor Accident Claims Tribunal (V Judge Court of Small Causes), Chennai.

United India Insurance Company Ltd.,
44, GST Road,
Guindy,
Chennai – 600 032.

... Appellant

Vs.

1.Thiru.S.Venkatesan

2.Mrs.V.Mallika

3.Mr.O.Palani

... Respondents

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.P.Sankaranarayanan, learned counsel for the appellant and Mr.A.Gowdhaman for Mr.P.Chinnaraj, learend counsel for the respondents 1 and 2 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

Challenging the judgment and decree dated 05.02.2014 in M.C.O.P.No.3539 of 2010 passed by the Motor Accident Claims Tribunal (V Judge Court of Small Causes), Chennai, this Civil Miscellaneous Appeal is filed.

2. The Tribunal after consideration of the facts and circumstances of the case, passed an award of Rs.8,70,000/- (Rupees Eight Lakhs Seventy Thousand only) with interest at 7.5% per annum from the date of petition. Aggreived by the award of Tribunal, the appellant Insurance Company has preferred the present Appeal.

3. It is reported that the appellant has already deposited an aggregate sum of Rs.4,35,000/- (Rupees Four Lakhs Thirty Five Thousand only) to the credit of M.C.O.P.No.3539 of 2010 pursuant to the requirement under Section 173 of the Motor Vehicle Act and the interim order passed by this Court in Appeal.

4. After due delebrations, mutual discussions and negotiations, both the parties agree that with the award passed by the Tribunal shall stand fully satisfied, if the Appellant deposits a further sum of Rs.2,61,000/- (Rupees Two Lakhs Sixty One Thousand only) together with interest thereon at 7.5% per annum from the date of petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order.

5. The first and second respondents/claimants shall be entitled to withdraw the aforesaid sum deposited with accrued interest as per the proportion apportioned by the Tribunal, in full quit of the award passed by the Tribunal.

6. There shall be an award in terms of the aforesaid settlement arrived between the parties.

For United India Insurance Co.Ltd.,

(Mr.S.Manoj)
Manager,
Regional Office, Chennai.

Counsel for the Appellant

1.Thiru.S.Venkatesan

2.Mrs.V.Mallika
(Claimants)

Counsel for the respondents 1 & 2

7. Recording the aforesaid terms of settlement arrived between the parties in this Lok Adalat, the order passed by the Claims Tribunal below is modified and an award is passed accordingly. The cross objection No.99 of 2015 filed by the Claimants is dismissed as not pressed after recording the endorsement made by their Counsel for the same.

8. The Court fee paid shall be refunded to the parties 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, read with Section 69A of Tamil Nadu Court Fee and Suit Valuation Act, 1955 (as amended by Act VI of 2017).

9. The Tribunal is directed to effect RTGS to the parties concerned, on proper identification in accordance with the terms of the award, without insisting on any formal petition. The Civil Miscellaneous Appeal is disposed of accordingly.

Judge

Member

Member

P.D. AUDIKESAVALU, J.,

mrr/ssn

To
The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal (V Judge Court of Small Causes), 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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