

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 26th day of October, 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

- 1.Mr.M.Boopathy
- 2.Mrs.M.Rajalakshmi

CMA.No.1126 of 2017

Appeal against the Judgment and decree dated 25.10.2016 made in M.C.O.P.No.5423 of 2011 on the file of the Special Sub Court No.I, Small Causes Court, (Motor Accidents Claims Tribunal), Chennai.

A.Suresh ... Appellant/Petitioner

Vs.

1.G.V.Chodhary
(Set ex-parte before the Tribunal)

2.Bajaj Allianz General Insurance Company Limited,
No.25 & 26, Prince Tower,
4th Floor, College Road,
Chennai - 600 006.

... Respondents 1& 2 in both

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the Appellant M/s.S.Agalya and the learned counsel for the Respondent Mr.T.K.Premkumar and Ms.Thilagavathy, Senior Legal Officer, Bajaj Allianz General Insurance Company Limited 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 appeal in CMA.No.1126 of 2017 pending on the file of High Court, Madras and preferred against the award passed in

MCOP.No. 5423 of 2011 on the file of the Court of the Special Sub Court No.I, Small Causes Court, Chennai has been referred to Lok Adalat for conciliation today.

2. The Appellant who is the petitioner before the Tribunal assisted by counsel and the 2nd Respondent / Bajaj Allianz General Insurance Company assisted by counsel and represented by Ms.N.Thilagavathy, Senior Legal Officer, Bajaj Allianz General Insurance Company are present before Lok Adalat today for conciliation. This is a case of Motor Accident causing injury to the appellant herein. The Tribunal has awarded a sum of Rs.85,000/- (Rupees Eighty Five Thousand only) as compensation along with interest at 7.5% per annum from the date of petition till the date of deposit along with cost before the Tribunal.

3. After due deliberation and discussion, both the parties have compromised the disputed claim at Rs.60,000/- (Rupees Sixty Thousand only) as full quit of the claim over and above the awarded amount before the Tribunal. The 2nd respondent / Insurance Company has agreed to deposit the enhanced compensation of Rs.60,000/- (Rupees Sixty Thousand only) within six weeks from the date of receipt of copy of this award.

4. In view of the compromise arrived at between both the parties, the Lok Adalat here by declare and decree that the 2nd Respondent / Insurance company shall pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) towards full quit of the claim over and above the awarded amount before the Tribunal. Admittedly, the appellant has withdrawn the amount deposited by the Insurance Company before the Trial Court. The Insurance Company shall deposit the enhanced compensation within six weeks from the date of receipt of copy of this award.

5. On deposit of the enhanced compensation, the appellant is permitted to withdraw the said amount immediately without filing any formal petition. Award is passed accordingly. No order as to costs.

6. The Tribunal is directed to issue the amount through cheque / RTGS 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.

sd/-
A.Suresh

sd/-
... Counsel for the Appellant

sd/-

Bajaj Allianz General Insurance Company Limited,
No.25 & 26, Prince Tower,
4th Floor, College Road,
Chennai - 600 006.

sd/-

... Counsel for the 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(CS)

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

1. The Special Sub Court No.I, Small Causes Court,
(Motor Accidents Claims Tribunal), 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)

CMA.No.1126 of 2017

CSL/14.12.2018