

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

Ms.M.Rajalakshmi
M.Boopathy

C.M.A.No.2801 of 2017

(Appeal against the judgment and decree dated 16.06.2016
made in M.C.O.P.No.371 of 2009 on the file of the Motor
Accidents Claims Tribunal (Special Sub Judge, No.II Small Causes
Court, Chennai)

The United India Insurance Company Limited,
No.134, Greams Road,
Chennai - 600 006. ... Appellant /2nd Respondent

Vs.

1. Rejeena Mery
2. Mariyadoss
3. K.Parthasarathy (Ex-parte before the Tribunal)

.. Respondents/Petitioners/Ist Respondent

This case is listed today. Mr.C.Paranthaman, learned
counsel for the appellant and Mr.P.Cheralaadhan, learned
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

The appeal in C.M.A.No.2801 of 2017 pending on the file
of High Court, Madras and preferred against the award passed in
MCOP.No.371 of 2009 on the file of the Motor Accident Claims
Tribunal(Special Sub Judge, No.II Small Causes Court, Chennai)
has been referred to Lok Adalat for conciliation today.

2. The appellant / United India Insurance Company Limited, Chennai represented by its Deputy Manager, assisted by counsel Mr.C.Paranthaman and respondents 1 and 2, who are the petitioners before the Tribunal, represented by counsel Mr.P.Cheralaadhan are present before the Lok Adalat today for conciliation.

3. This is a case of fatal accident. The Tribunal after considering materials available before the Tribunal has awarded a sum of Rs.13,78,000/- along with interest at 7.5% p.a. from the date of petition till the date of deposit along with costs.

4. After great deliberation and discussion, both parties have compromised the disputed the claim at Rs.10,00,000/- along with interest at 7.5% p.a. from the date of petition till the date of deposit and costs of the proceeding before the Tribunal.

5. The Hon'ble High Court, Madras in C.M.P.No.16013 of 2017 in C.M.A.No.2801 of 2017 has directed the appellant / Insurance Company to deposit the above said sum of Rs.10,00,000/- with proportionate interest and costs to the credit of MCOP.No.371 of 2009 on the file of the Tribunal (Special Sub Judge No.II Small Causes Court, Chennai) within four weeks from the date of receipt of copy of the said order. It is not known whether the above said order has been complied with or not.

6. It is agreed between the parties that the respondents 1 and 2 / petitioners 1 and 2 are willing to receive the agreed sum of Rs.10,00,000/- with interest at 7.5% from the date of petition till the date of deposit and proportionate costs, if the said amount has not been deposited before the competent Court. It is also agreed between the parties that the respondents 1 and 2 / petitioners 1 and 2 are willing to receive the above said sum of Rs.10,00,000/- with interest at 7.5% p.a. from the date of petition till the date of deposit along with proportionate costs, if the said amount has already been deposited as ordered by the Hon'ble High Court, Madras.

7. In view of the compromise, arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / Insurance Company shall deposit a sum of Rs.10,00,000/- with interest at 7.5% from the date of petition till the date of deposit along with proportionate costs, if the order of the Hon'ble High Court is not complied with. If the order of the High Court referred to above has been complied with

already, the question of depositing any amount does not arise. On deposit of the compromised amount referred to above along with interest and proportionate costs, the respondents 1 and 2 who are the petitioners 1 and 2 before the Tribunal are permitted to withdraw the compromised amount equally without filing any formal petition before the competent Court. No orders as to costs. Award is passed accordingly.

8. On such deposit, the respondents 1 and 2 / petitioners 1 and 2 before the tribunal shall withdraw their respective share amount by filing appropriate application through RTGS. Accordingly, this Civil Miscellaneous Appeal is disposed of.

Sd/-

The United India Insurance Company Limited,
No.134, Greams Road,
Chennai - 600 006.

Sd/-

Counsel for the Appellant

Sd/-

1. Rejeena Mery

Sd/-

2. Mariyadoss

Sd/-

Counsel for the Respondents

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

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal (Special Sub Judge, No. II 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

C.M.A.No.2801 of 2017

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