

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services
Committee
Saturday, the 13th July 2019

NATIONAL LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble MR.JUSTICE T.N.VALLINAYAGAM (Retd.)

and

Members

Mr.T.Seemadurai
Mr.K.Ethirajalu

C.M.A.No.1768 of 2009

(Against the award and decree passed on 10.02.2009 made in
M.C.O.P.No.2553 of 2006 on the file of the Motor Accidents Claims
Tribunal, Cuddalore, the Principal Subordinate Court, Cuddalore).

Iffko Tokyo General Insurance Company Ltd,
28, North Usman Road,
T.Nagar,
Chennai 600 017.

... Appellant

Vs.

1.Raja
2.Natarajan
(2nd Respondent Ex parte in lower Court.
Hence notice may be dispensed with)

.. Respondents

On representation of the counsel on either side, this case is taken up for settlement before the National Lok Adalat. The learned counsel for the appellant, Mr.M.Aravindakumar, Senior Executive Legal is present and no appearance for the respondent. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

It is a case of injury. As against the claim of Rs.5,00,000, the Tribunal has awarded a sum of Rs.2,06,160/- with interest at 7.5% per annum at proportionate cost from the date of petition till the date of deposit. The insurance company has deposited the entire amount with cost and interest before the lower Court. Challenging the judgment and decree dated 03.02.2016 in MCOP No.2015 of 2008 passed by the Motor Accidents Claims Tribunal, Cuddalore, the Principal Subordinate Court, Cuddalore, this Civil Miscellaneous Appeal is filed.

2. Aggrieved by the award of the Tribunal, the appellant/Insurance Company had preferred the present appeal.

3. After due deliberation and mutual discussions, negotiation, both the parties have decided to settle this issue for a total compensation of Rs.1,60,000 /-(Rupees One Lakh Sixty Thousand only) along with interest at 7.5% p.a and cost from the date of petition till the date of deposit.

4. It is now reported by the appellant/Insurance Company that they have already deposited a sum of Rs.2,06,160/- along with interest and cost. Therefore, as per the terms of compromise settled between the parties, the claimant is entitled to withdraw Rs.1,60,000/- along with the proportionate interest and cost and the appellant/insurance company shall also be entitled to withdraw the balance amount along with proportionate interest from the Lower Court.

5. The Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-
Iffko Tokyo General Insurance Company Ltd,
28, North Usman Road,
T.Nagar,
Chennai 600 017.

Counsel for the Appellant

Sd/-
Raja.R

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 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.

Sd/-
Member

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar(Insp.Cell)

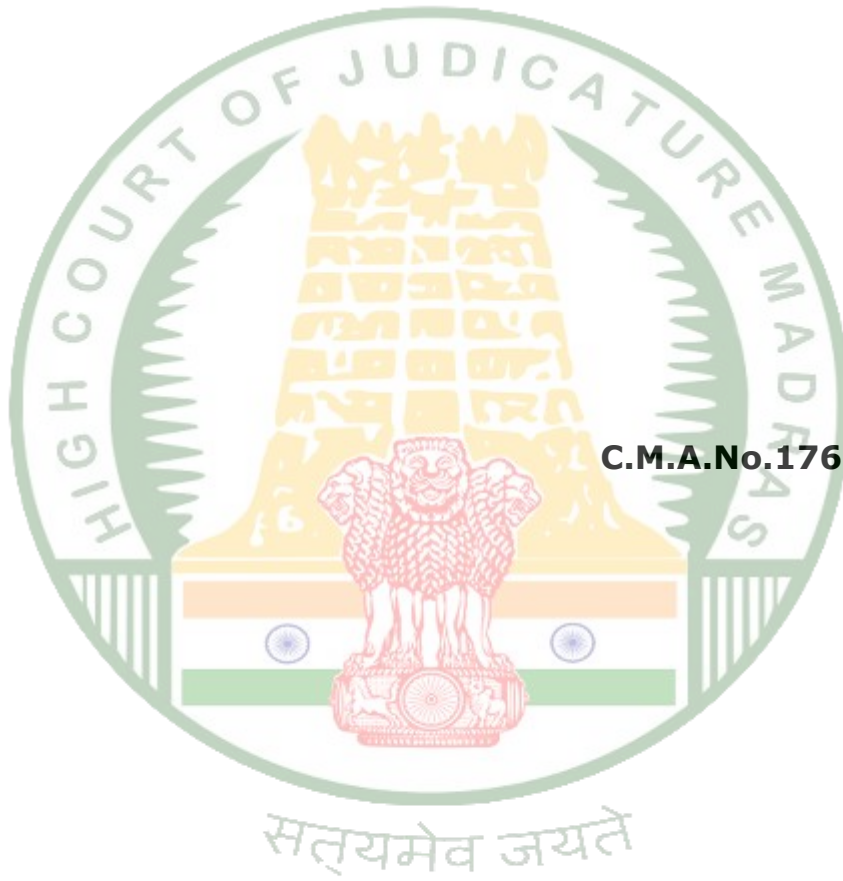
To

The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal, Cuddalore
(The Principal Subordinate Court, Cuddalore)
- 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

T.N.VALLINAYAGAM.,J
sbn



C.M.A.No.1768 of 2009

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13.07.2019