

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Tuesday, the 24th day of September, 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE M.THANIKACHALAM (Retd.)
and

Member

Mr.S. Gunaseelan

CMA. No.1481 of 2013

(Appeal to set aside the Decreetal Order and Judgment passed
on 22.12.2008 made in M.A.C.T.O.P.No.303 of 2005, on the file
of Motor Accident Claims Tribunal, Subordinate, Ariyalur).

The National Insurance Co. Ltd.
Kancheepuram Town

....Appellant

Vs.

- 1.Anandakumar
- 2.Karuppiah
- 3.The New India Insurance Co. Ltd.
92, East Coast Chambers,
1st Floor, G.N. Chetty Road, T. Nagar, Chennai
- 4.Uma

....Respondents

(R2 to R4 are impleaded as formal parties)

This case came up for settlement before the Lok Adalat.
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 1st respondent in this appeal as claimant approached the
Trial Forum seeking a claim for Rs.5,00,000/- (Rupees Five Lakhs
Only) as compensation against two Insurance Company which ended

in an award of Rs.135,300/- (Rupees One Lakh Thirty Five Thousand and Three Hundred Only) apportioning of Rs.67,650/- (Rupees Sixty Seven Thousand Six Hundred and Fifty Only) each the Insurance Company, i.e. (i) the National Insurance Company Ltd./the appellant herein and (ii) the New India Insurance Company Ltd./3rd respondent herein.

2. It seems the New India Insurance Company Ltd preferred an appeal and the said appeal was dismissed confirming the lower court award including apportionment

3. We have advised the parties and the Insurance Company/the appellant herein to settle the matter thereby giving a full stop to the litigation.

4. Both the parties readily agreed and discussed the matter regarding the quantum and other attending circumstances. In the result, the Insurance Company is willing to pay a sum of Rs.62,000/- (Rupees Sixty Two Thousand Only) with interest thereon as ordered by the Trial Court for which the claimant/1st respondent herein is also agreeable.

5. In view of the above discussion, arrangement and settlement reaching between the parties, the award of the Trial Court as far as this Insurance Company is concerned modified, directing it to pay a sum of Rs.62,000/- (Rupees Sixty Two Thousand Only) with interest thereon @ 7.5% p.a. from the date of petition till the date of deposit. (It is said the amount is already deposited in the Lower Court)

6. It is represented by the Insurance Company that the entire award amount including interest has been deposited in the Court. If so, the claimant is permitted to withdraw the above said amount from the Court Deposit and the balance of the amount if any, the Insurance Company is entitled to withdraw the same. The award is passed accordingly.

7. The Tribunal is directed to issue the cheque to the party concerned on proper identification in accordance with the terms of the modified award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly.

8. The full Court fee 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 and there shall be no demand for additional Court fee.

Sd/-
The National Insurance Co. Ltd.
Kancheepuram Town

Sd/-
Counsel for the Appellant

Sd/-
Anandakumar

Sd/-
Counsel for the Respondent

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to:

सत्यमेव जयते

1. Motor Accident Claims Tribunal,
Subordinate Court, Ariyalur.

2.The Secretary,
High Court Legal Services Committee, Chennai.

3.The Section Officer,
V.R.Section, High Court, Madras.

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4.The Section Officer,
Lok Adalat Section,
High Court, Madras.+2 copies

CMA. No.1481 of 2013

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srg 18/11/2019



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