

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

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

Mr. M.Sambasivam, Dist.Judge(Retd.)
Mr. A.Kothandaraman

C.M.A.No.1954 of 2013

(Appeal against the Judgment and Decree passed on 15.06.2010 in M.C.O.P.No.231 of 2007 on the file of the Motor Accidents Claims Tribunal, Fast Track Court No.II, Ranipet, Vellore District.)

C.Arul Raj

.. Appellant

Vs.

1.Abdul Kareem
2.Subramani Chettiar
3.M/s.United India Insurance Company Limited,
Vellore.

.. Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. Mrs.K.Nisha, learned counsel for appellant and Mr.S.Arunkumar, learned counsel for the third respondent 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.1954 of 2013 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No.231 of 2007 on the file of the Fast Track Court - II, Ranipet, Vellore has been referred to Lok Adalat for conciliation today.

2. The appellant who is the petitioner before the Tribunal assisted by Mrs.K.Nisha, learned counsel and third respondent M/s. United India

Insurance Company Limited, Vellore, who is the third respondent before the Tribunal, assisted by Mr.S.Arunkumar, learned counsel, are present before this Lok Adalat today for conciliation.

3. This is a case of Motor Accident causing injury to the appellant/petitioner. The Tribunal has awarded a sum of Rs. 60,000/-, wherein, contributory negligence of 75% was fixed on the appellant and 25% on United India Insurance Company Limited. According to the award, a sum of Rs.15,000/- has to be paid by the third respondent/United India Insurance Company Limited, Vellore to the appellant/petitioner. Aggrieved by this award, the appellant has come forward with this appeal for enhancement of compensation.

4. The quantum of award granted to the appellant/petitioner by the Tribunal and the enhanced compensation sought for in this appeal have been considered together for compromise before the Lok Adalat by parties to the appeal. It was agreed between both parties that a sum of Rs.47,000/- has to be paid by the third respondent/ United India Insurance Company Limited, Vellore, towards award passed by the Tribunal and the enhanced compensation sought for in this appeal towards full quit of the claim.

5. In view of the compromise arrived at between both parties, Lok Adalat hereby declare and decree that the third respondent/ United India Insurance Company Limited, Vellore, shall pay a sum of Rs.47,000/-, towards full quit of the claim made in the claim petition as well as in the appeal preferred before this Court.

6. The Insurance Company is directed to deposit the entire award amount before the Tribunal if no amount is deposited or the portion of the amount is already deposited before the said Court, the remaining amount shall be deposited before the Tribunal within a period of six weeks from the date of receipt of a copy of this award. The petitioner/appellant is permitted to withdraw the said amount without filing any formal petition.

7. The award is passed accordingly, there shall be no order as to costs.

C.Arul Raj

Counsel for the appellant

1.Abdul Kareem
(set ex-parte before the Tribunal)

2.Subramani Chettiar
(set ex-parte before the Tribunal)

3.M/s.United India Insurance Company Limited,
Vellore. Counsel for the third 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.

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Member Judge Member

To: The parties/Advocate concerned

Copy to:

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1.The Motor Accidents Claims Tribunal,
Fast Track Court No.II,

Ranipet, Vellore District.

P.THANGAVEL, J. (Retd.)

rpl/dua

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.



C.M.A.No.1954 of 2013

13.07.2019

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