

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th day of December, 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE C. SARAVANAN
and

Members

Mrs.Revathi G.Mohan
Mr.M.Sambasivam

C.M.A.No.1597 OF 2018

[Appeal against the judgment and decree passed on 11.07.2011 in MCOP.No.146 of 2006 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes), Chennai.

Minor.Thaiyalnayagi,
Rep. By her father as guardian
N.P.Dhakshinamoorthy
(Now major)

... Appellant

Vs.

1. C.Ramasamy
2. The Divisional Manager,
New India Assurance Company Limited,
Arcot Woodlands Complex,
No.1, Bharathi Road, Cuddalore.

..Respondents

Though this case is not listed before this forum settlement, it is taken up for hearing at the instance of the learned counsel for the appellant. Both the parties are present. The learned counsel for the appellant Mr.S.P.Yuaraj and learned counsel for the 2nd respondent / Insurance Company, Mr.J. Chandran 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 Tribunal has awarded a sum of Rs.48,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is stated that award amount has not been deposited before the Tribunal. It is also stated that the minor petitioner is now attained majority. The Transfer Certificate (TC) has also been enclosed to prove the same.

2. Not satisfied with the award of the Tribunal, the claimant / appellant has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.1,10,000/- (Rupees One Lakh ten thousand only) in full quit over and above along with the award amount of Rs.48,000/- with interest at 7.5% per annum awarded by the Tribunal.

3. The 2nd respondent/Insurance Company is directed to deposit a sum of Rs.1,10,000/- (Rupees One Lakh ten thousand only) in full quit over and above (inclusive of interest) along with the award amount of Rs.48,000/- with interest at 7.5% per annum awarded by the Tribunal from the date of petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order, failing which, shall pay interest at the rate of 7.5% per annum from this date till the date of deposit. On such deposit, the claimant / appellant is permitted to withdraw the entire award amount without filing any formal petition. The Award is passed accordingly.

4. The Tribunal is directed to issue the cheque 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. Consequently, connected Miscellaneous Petitions are closed, if any.

Minor.Thaiyalnayagi
(Now major)

सत्यमेव जयते

Counsel for the Appellant

The Divisional Manager,
New India Assurance Company Limited,
Arcot Woodlands Complex,
No.1, Bharathi Road, Cuddalore.

Counsel for the 2nd 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.

Judge

Member

Member

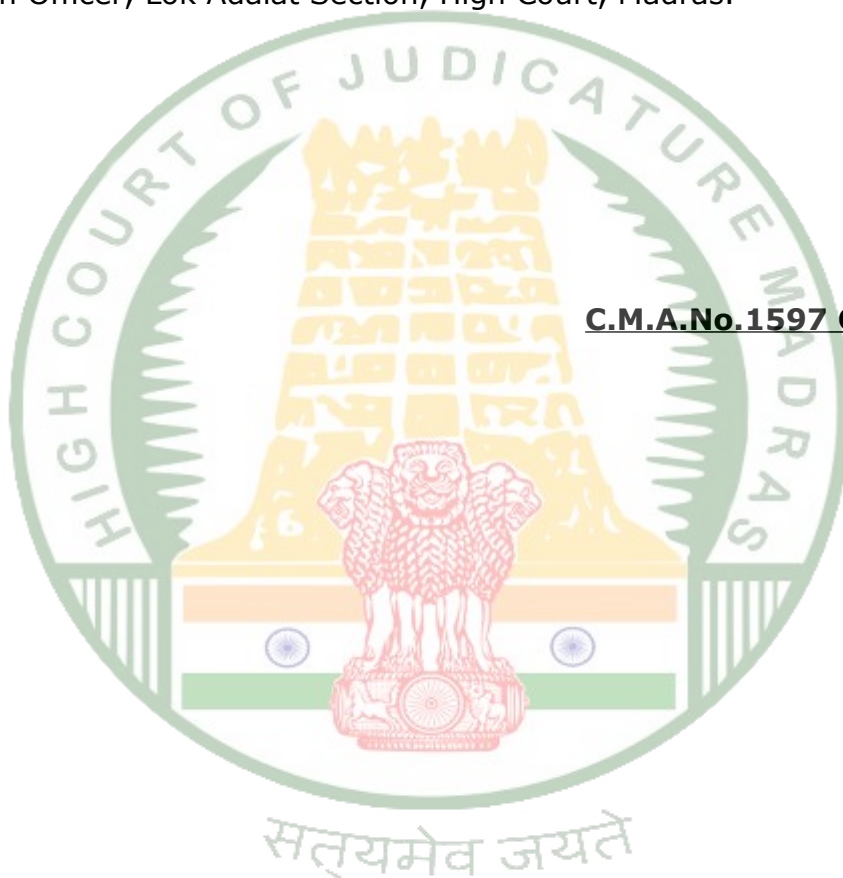
C.SARAVANAN.,J.

Vum

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal/II Additional 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.

**C.M.A.No.1597 OF 2018****WEB COPY****vum**