

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 15th day of February, 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

- 1.Mr.N.Mohandoss
- 2.Mr.K.Thilageswaran

C.M.A.No.754 of 2011 and MP.No.1 of 2011

Appeal against the judgment and decree passed on 19.11.2009
made in M.C.O.P.No.980 of 2006 on the file of the Motor
Accidents Claims Tribunal / Principal District Court, Namakkal.

M/s.Bajaj Allianz General Insurance Company Limited,
Residency Road,
Bangalore, Karnataka State. ... Appellant

Vs.

- 1.Mala
 - 2.Rasammal
 - 3.P.N.Zuhra
- (3rd Respondent set exparte before the Tribunal) ... Respondents

This case has been listed today and came up for settlement
before the Lok Adalat. Learned counsel for the appellant Mr.
S.Arunkumar, learned counsel for the Respondent Mr.G.Sakthivel
and Ms.N.Thilagavathy, Legal Officer, Bajaj Allianz General
Insurance Company Limited 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.754 of 2011 pending on the file
of High Court, Madras and preferred against the award passed in
MCOP.No.980 of 2006 on the file of the Motor Accidents Claims
Tribunal, Principal District Judge, Namakkal has been referred
to Lok Adalat for conciliation today.

2. This is a case of fatal accident. The appellant /
M/s.Bajaj Allianz General Insurance Company Limited, Residency
Road, Bangalore, Karnataka State represented by
Ms.N.Thilagavathy, Legal Officer and the Respondents 1 and 2 who
are petitioners 1 and 2 before the Tribunal out of which 2nd

Respondent is represented by counsel Mr.G.Sakthivel along with a letter authorising the counsel to sign on her behalf are present before Lok Adalat for conciliation today.

3. The Tribunal has passed an award for a sum of Rs.3,99,000/- (Rupees Three Lakhs Ninety Nine Thousand only) with interest @ 7.5% per annum from the date of petition till the date of deposit.

4. After great deliberation and discussion both the parties have compromised the disputed claim as follows:-

Admittedly, Rs.5,45,187/- (Rupees Five Lakhs Forty five Thousand One Hundred and Eighty Seven only) including interest has been deposited before the Tribunal already by the appellant / Insurance Company. Both parties agreed that the Appellant / Insurance Company shall be refunded a sum of Rs.50,000/- (Rupees Fifty Thousand only) along with accrued interest on Rs.50,000/- and the balance amount out of Rs.5,45,187/- along with accrued interest shall be paid to the Respondents 1 & 2 who are petitioners 1 and 2 before the Tribunal. The 2nd respondent herein has specifically requested to pay a sum of Rs.50,000/- along with accrued interest thereon to the appellant / Insurance company out of her share allotted by the Tribunal.

5. In view of the compromise arrived at between both the parties, the Lok Adalat here by declare and decree that the appellant / Insurance Company shall be refunded a sum of Rs.50,000/- along with accrued interest thereon from the date of deposit out of the sum of Rs.5,45,187/- deposited before the Tribunal. The balance amount along with accrued interest thereon shall be paid to the Respondents 1 & 2 as per the compromise arrived at between both the parties.

6. It is further directed that the above said sum of Rs,50,000/- along with accrued interest thereon shall be taken from the share of 2nd Respondent herein Rasammal W/o.Late Periyannan and her balance amount in her share allotted by the Tribunal shall be paid to the 2nd Respondent. The letter given by the 2nd Respondent authorised to sign by the learned counsel for the 2nd Respondent is recorded. No order as to costs. Award is passed accordingly. Consequently, connected Miscellaneous Petition is also closed.

7. The Tribunal is directed to issue the amount through cheque / RTGS to the parties 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.

Sd/-

M/s.Bajaj Allianz General Insurance Company Limited,
Residency Road,

Bangalore, Karnataka State.

sd/-

Counsel for the Appellant

sd/-

1.Mala

2.Rasammal

sd/-

Counsel for 2nd 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.

sd/-

Judge

sd/-

Member

sd/-

Member

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To: The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal / Principal District Court, Namakkal.
 - 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.754 of 2011

SPD (CO)

SP(10/06/2019)