

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Wednesday, 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.1087 of 2018

(Appeal to set aside the Decreetal Order and Judgment passed on 17.12.2014 made in M.A.C.T.O.P.No.9 of 2014, on the file of Motor Accident Claims Tribunal, Sub Judge, MAHE.).

The National Insurance Co. Ltd.
Keyees Shopping Complex,
Narangappuram, Thalassery P.O.
Pin- 670 101.

.... Appellant

Vs.

- 1.Muhammed Akbar .K.P. (Major)
- 2.

(R1 declared as major his guardian, Rafeeqe discharged from guardianship vide Lok Adalat Order dated 24/09/2019)

3.Afsar

4.Dilshad K.K.

....Respondents

(RR2 & 3 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 petitioner/claimant as minor moved the Tribunal for award which ended in an award for Rs.7,48,850/-. At present, the claimant/1st respondent attained age of the majority and to that effect attaching certificate a petition filed under which the minor claimant is declared as major discharging the guardian of the minor in the appeal.

2. Office is directed to carryout the necessary amendment in the main petition.

3. The Tribunal, though the claimant has claimed a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) awarded to Rs.7,48,850/- (Rupees Seven Lakhs Forty Eight Thousand Eight Hundred and Fifty Only). In fact, exceeding the claim amount, the Insurance Company admitting the claim to some extent, their liability to the extent of Rs.4,45,000/- challenged the award, for the remaining amount of Rs.3,03,850/- with interest thereon.

4. Thus, when this appeal is pending, both parties thought of settling the matter amicably considering the age of the boy and need of the money as well as other attending circumstances.

5. By the advise of the well wishers, discussing the matter sitting together, the Insurance Company had agreed to pay a sum of Rs.5,55,000/- (Rupees Five Lakhs and Fifty Five Thousand Only) in full quit of the award amount including the admitted amount in the appeal for which the claimant who is present and counsel also agreed by mutual agreement. So, the award is to be modified as follows:

6. In the result, the award of the Tribunal is modified directing the Insurance Company/appellant, to deposit a sum of Rs.5,55,000/- (Rupees Five Lakhs and Fifty Five Thousand Only) in full quit of the entire claim in the claim petition within 4 weeks from the date of receipt of copy of this order.

7. It is represented by the learned counsel for the Insurance Company that as per order of the Hon'ble High Court, they have deposited 50% of the award amount and if so, they are directed to deposit the balance of the award amount if any. If the modified award amount is fully satisfied, from the deposit amount and balance if any, the Insurance Company is at liberty to withdraw the same from the deposit amount.

8. The Claimant is entitled to withdraw the modified award amount, without filing any formal petition. Thus, the award is passed accordingly.

9. 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.

10. 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.
Keyees Shopping Complex,
Narangappuram, Thalassery P.O.
Pin- 670 101.

Sd/-

Counsel for the Appellant

Sd/-

Muhammed Akbar .K.P.

Sd/-

Counsel for the Respondent

Sd/-
Judge

Sd/-
Member

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to:

1. Motor Accident Claims Tribunal,
Sub Court, MAHE.
- 2.The Secretary,
High Court Legal Services Committee,
Chennai.
- 3.The Section Officer,
V.R.Section, High Court, Madras. (2 Copies)
- 4.The Section Officer,
Lok Adalat Section,
High Court, Madras. +2 copies

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