

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 27th 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 N.V. BALASUBRAMANIAN (Retd.)

and
Member
Mr.V.K.Thirunavukkarasu

CMA. No.434 of 2016

Appeal against the Judgment and decree passed on 03.07.2015
made in M.C.O.P.No.3688 of 2013 on the file of the Motor
Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

M/s.Cholamandalam MS General Insurance Co. Ltd,
"Dare House". 2nd Floor,
N.S.C. Bose Road,
Chennai - 600 001. ...Appellant/2nd Respondent

Vs.

1.R. Murugasamy

2.R. Sudhakar ...Respondents/Petitioner/1st respondent

(2nd respondent is set ex-parte)

This case has been listed today and 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 Appeal in C.M.A. No.434 of 2016 pending on the file of
High Court, Madras and preferred against the award passed in
MCOP.No. 3688 of 2013 on the file of Motor Accidents Claims
Tribunal, IV Court of Small Causes, Chennai, has been referred
to Lok Adalat for conciliation today.

2. The Appellant / Cholamandalam MS General Insurance Company Limited who is the second respondent before the Tribunal represented by Mr. Srinivasan, Deputy Manager, assisted by Counsel Mrs. R. Sree Vidhya for M.B. Gopalan & Associates, and the respondent who is petitioner before the Tribunal, assisted by their Counsel Mr. Rathnamani are present before Lok Adalat for conciliation today.

3. This is a case of the accident wherein the 1st respondent sustained injuries and the Tribunal has awarded a sum of Rs.7,41,000/- (Rupees Seven Lakhs and Forty One thousand only) along with interest @7.5% p.a. from the date of petition till the date of deposit towards the claim made by the Claimants who are the respondents herein.

4. After great deliberation and discussion both parties have compromised the disputed claim for Rs.5,90,000/- (Rupees Five Lakhs and Ninety Thousand Only) towards full quit of the entire claim.

5. It is represented by the counsel for the Insurance Company that the entire award amount has already been deposited with interest and costs before the Tribunal and hence, the Insurance Company is entitled to withdraw the balance amount with accrued interest out of the deposit amount in the Tribunal.

6. The 1st respondent is permitted to withdraw a sum of Rs.5,90,000/- (Rupees Five Lakhs and Ninety Thousand Only) in full quit of the claim without filing any formal petition as agreed before the Lok Adalat. No order as to costs. Award is passed accordingly.

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.Cholamandalam MS General Insurance Co. Ltd,
"Dare House". 2nd Floor,
N.S.C. Bose Road,
Chennai - 600 001.

Sd/-

Counsel for the Appellant

Sd/-

R. Murugasamy

Sd/-

Counsel for the 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:
The parties/Advocate concerned

Copy to:

1. Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.
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

WEB COPY

CMA. No.434 of 2016

RSK (CO)
GN(18/11/2019)