

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee

Saturday, the 09th day of March, 2019

LOK ADALAT AWARD

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

Presided by

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

and

Members:

Mr.T. Sankara Narayanan Pillai

Mr.Tranqubar Dorai Vasu

C.M.A.No.46 of 2016

The Appeal is filed to enhance the judgment and decree of the claims Tribunal in its award dated 05.01.2015 and made in MCOP.No.691 of 2013 on the file of the Motor Accident Claims Tribunal, IV Judge Small Causes, Chennai.

United India Insurance Co.Ltd.,
No.134, Sillingi Buildings, 4th floor,
Greams Road, Chennai-600 006.

...Appellant

Vs.

1.V.Yasodha
W/o.Venugopal,
No.13/15th, 5th Cross Street,
Pulianthopu,
Chennai-600 012.

2.S.Elanchezian,
S/o.Selvaraj,
No.12/1, Nochikuppam,
Chennai-600 004.

...Respondents

and

,

Cross Appeal No.19 of 2016

V.Yasodha,
W/o.Venugopal,
No.13/15, 5th Cross Street,
Pulianthopu,
Chennai-600 012.

...Cross Appellant/1st Respondent

Vs.

1)United India Insurance Co.Ltd.,
No.134,
Sillingi Buildings,
4th floor,
Greams Road,
Chennai-600 006.

... I respondent/Appellant

2.S.Elanchezian,
S/o.Selvaraj,
No.12/1,
Nochikuppam,
Chennai-600 004.

... II Respondent

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant Mr.Arun kumar and the learned for the respondents Mr.F.Terry Chella Raja 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 appellant has preferred the present appeal aggrieved against the Award of the Tribunal to enhance the compensation.

2.The claimants have filed the claim petition for a sum of Rs.6,00,000/- and award has been passed for a sum of Rs.5,09,700/-. Challenging the said award, the insurance company has preferred the present appeal and the claimant has filed the cross appeal.

3.The claimant and the insurance company have arrived at a compromise in the following terms. The insurance company is liable to deposit a sum of Rs.3,50,000/- as full quit.

4.To that extent the award is modified and the Insurance company is directed to deposit a sum of Rs.3,50,000/- as full quit, within a period of six weeks from the date of receipt of a copy of this order. In view of the above said settlement, the claimants are permitted to withdraw the said sum of Rs.3,50,000/-.

5.The Tribunal is directed to transfer the above said modified award amount to the individual bank account of the appellant by way of NEFT/RTGS, on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

6.The Civil Miscellaneous Appeal is disposed of accordingly and the Cross Appeal stands dismissed as Infructuous.

This Lok Adalat award is passed in terms of the above settlement.

M.NIRMAL KUMAR, J.

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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.

United India Insurance Co.Ltd.,
No.134, Sillingi Buildings, 4th floor,
Greams Road,
Chennai-600 006.

... Counsel for the Appellant

1.V.Yasodha
2.S.Elanchezian

... Counsel for the Respondents

Judge

Member

Member

To

The parties/Counsel concerned

Copy to

- 1.The Motors Accidents Claims Tribunal,
In the 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.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.

C.M.A.No.46 of 2016

09.03.2019