

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th February 2020

NATIONAL 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

Mr.N.Mohandoss, District Judge (Retd)
Mr.Karthick Ranganathan

C.M.A.No.685 OF 2016
& C.M.P.No.5615 OF 2016

[Appeal against the judgment and decree passed on 20.04.2015 in M.C.O.P.No.814 of 2013 on the file of the Motor Accident Claims Tribunal (In the IV Court of Small Causes, Chennai]

Oriental Insurance Co.Ltd.,
Motor Third Party Claims Hub,
No.216, Prakasam Salai,
Broadway, Chennai 600 001.

... Appellant

Vs.

1. G.Dhanapal
2. D.Karthick
3. D.Karunakaran
4. N.Sarathy

(4th respondent set exparte in the lower court.
Hence Notice is dispense with)

...Respondents

This case was listed for settlement before the Lok Adalat on 14.12.2019. On the same day, the matter was settled. For clarification, the matter is listed today before the Lok Adalat. Both the parties are present. The learned counsel for the appellant Mr.R.Sivakumar and learned counsel for the 1st to 3rd respondents Mr.R.Kalaiarasan 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.11,51,000/- with interest at 7.5 % per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the appellant that the aforesaid amount has already been deposited together with interest and cost before the Tribunal.

2. Not satisfied with the award of the Tribunal, the Insurance Company / appellant has preferred the present appeal to reduce the award amount. Now, both the parties have agreed to modify the award amount to a sum of Rs.8,51,000/- (Rupees Eight Lakhs and Fifty One Thousand only) together with interest and cost.

3.The Appellant/Insurance Company is entitled for refund of the amount of Rs.3,00,000/- (Rupees Three Lakhs only) deposited before the Tribunal together with proportionate interest.

4.The Tribunal is directed to refund the amount Rs.3,00,000/- (Rupees Three Lakhs only) deposited before the Tribunal together with proportionate interest to the Appellant/Insurance Company without filing any formal petition.

5.The 1st respondent is entitled to withdraw the amount of Rs.4,51,000/- together with proportionate interest accrued thereon and the 2nd and 3rd respondents are entitled to withdraw the amount of Rs.2,00,000/- each together with proportionate interest accrued thereon.

6.The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

Oriental Insurance Co.Ltd.,
Motor Third Party Claims Hub,
No.216, Prakasam Salai,
Broadway, Chennai 600 001.

Counsel for the Appellant

G.Dhanapal

D.Karthick

D.Karunakaran

Counsel for the 1st to 3rd respondents

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.

Member **Judge** Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accident 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.

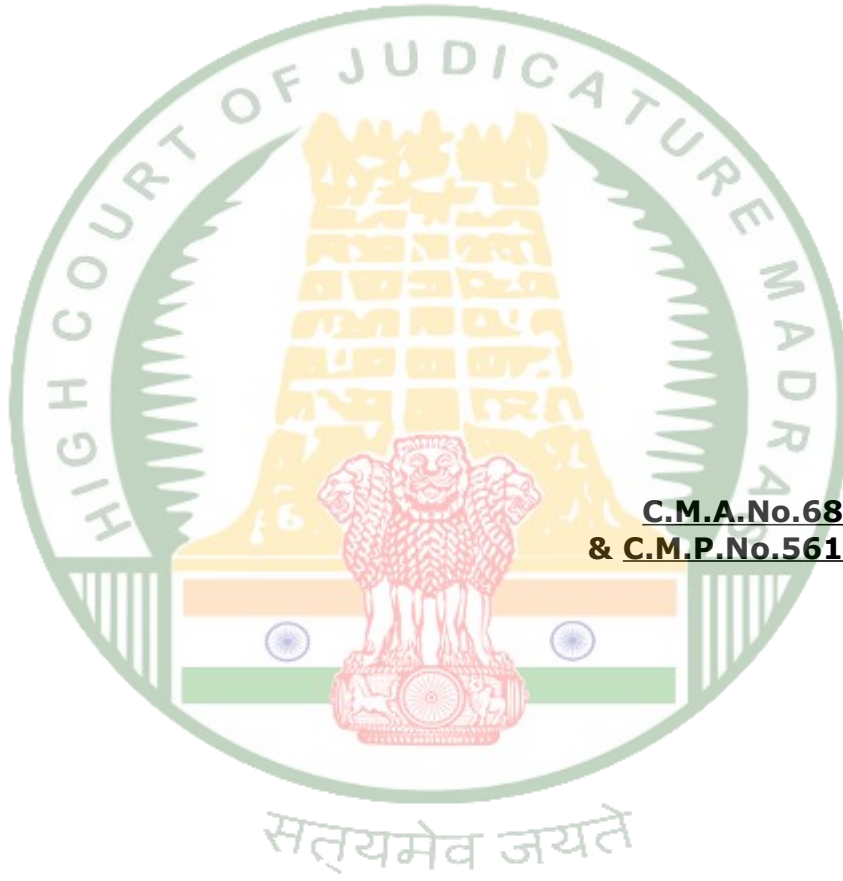
jen



WEB COPY

C.SARAVANAN, J.

jen



C.M.A.No.685 OF 2016
& C.M.P.No.5615 OF 2016

WEB COPY

08.02.2020