

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th day of December, 2019

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

Mrs.Revathi G.Mohan
Mr.M.Sambasivam

C.M.A.Nos.119 & 1398 of 2018

[Appeal against the judgment and decree passed on 01.09.2017 in MCOP.No.3331 of 2014 on the file of the Motor Accidents Claims Tribunal) (IV Court of Small Causes) Chennai.)

C.M.A.No.119 of 2018

The Oriental Insurance Company Limited,
Oriental House, 2nd Floor, Old No.115,
New No.216, Prakasam Salai,
Broadway, Chennai 600 108

... Appellant in CMA.No.119 of 2018 and
2nd respondent in CMA.No.1398 of 2018

vs.

1.A.Iyyappan

.. 1st respondent in CMA.No.119 of 2018 and
appellant in CMA.No.1398 of 2018

2.Theerthagiri

(He remained exparte
before the Tribunal)

.. 2nd Respondent in CMA.No.119 of 2018 and
1st respondent in CMA.No.1398 of 2018

This case came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant in C.M.A.No.119 of 2018 and 1st respondent in C.M.A.No.1398 of 2018 Mr.Elveera Ravindran and learned counsel for the 1st respondent in C.M.A.No.119 of 2018 and appellant in CMA.No.1398 of 2018 Mr.K.Varadhakamaraj 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.7,42,600/- with interest at 7.5% per annum from the date of numbering of the petition till the date of realisation and cost. It is represented by the learned counsel for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

2. Aggrieved over the award of the Tribunal, Insurance Company has preferred the present appeal in CMA.No.119 of 2018 and the claimant has preferred the present appeal in CMA.No.1398 of 2018. Now, both the parties have agreed to modify the award to a sum of Rs.6,75,000/- (Rupees Six Lakhs and seventy five thousand only) with proportionate interest and cost as compensation. Out of the deposited amount, the 1st respondent/claimant in CMA.No.119 of 2018 is permitted to withdraw a sum of Rs.6,75,000/- with proportionate interest and cost from the date of petition till the date of realisation and the Insurance company is permitted to withdraw the remaining amount with proportionate interest without filing any formal petition.

3. In view of the above, the settlement between both the parties, if the appeal filed by the claimant in C.M.A.No.1398 of 2018 is disposed according to the above terms.

The Tribunal is directed to issue the cheques to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. Both the Civil Miscellaneous Appeals are disposed of accordingly.

The Oriental Insurance Company Limited,
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... Appellant in CMA.No.119 of 2018 and
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A.Iyyappan

.. 1st respondent in CMA.No.119 of 2019 and
Appellant in CMA.No.1398 of 2018

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

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.

Judge

Member

Member

To
The parties/Advocate concerned

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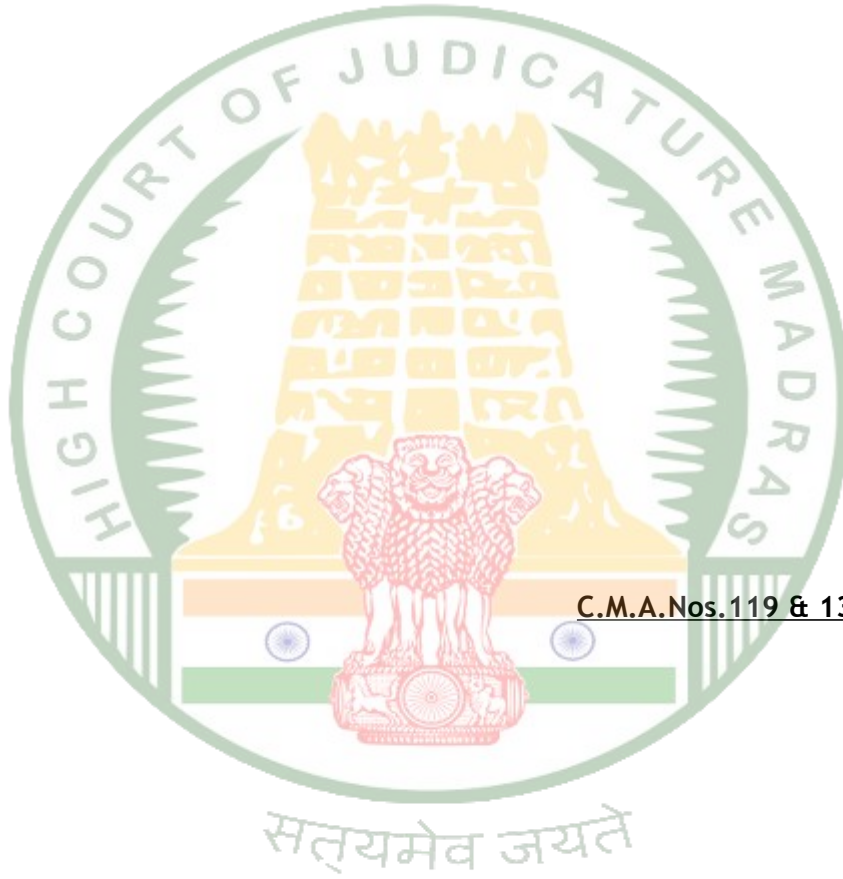
- 1.The Motor Accidents Claims Tribunal
(IV Court of Small Causes) Chennai.)
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.



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C.SARAVANAN,J.

jen/kkd



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14.12.2019