

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 9th day of March 2019

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr. Justice S. VAIDYANATHAN

and

Members: Mr.P.Rosaiah
Ms.S.Jayakumari

C.M.A.No.1407 of 2018

Appeal against the award and decree passed on 27.03.2018 in M.C.O.P.No.682 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Dharmapuri.

Indra

.. Appellant

Vs.

1.S.A.Selvaraj

2.The New India Assurance Company Limited,
594, 'Obi Towers', 1st Floor,
D.B. Road, R.S.Puram,
Coimbatore - 641 002.

..Respondents

Though this case is not listed today, this case came up for settlement before the National Lok Adalat. **Appellant/claimant is present. Mr.M.Sivakumar, learned counsel for the Appellant/Claimant is present and Mr.J.Chandran, learned counsel appearing for the 2nd Respondent/Insurance Company is 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

This is a case of injury. The Tribunal has awarded a sum of Rs.3,90,890/- as compensation to the injured claimant with interest at 7.5% per annum. Aggrieved by the Award, seeking enhancement of compensation, the Claimant has come up with the present Appeal.

2. After negotiation, the award of the Tribunal is modified as follows:

(i) **Apart from the compensation of Rs.3,90,890/- awarded by the Tribunal, the Appellant/claimant has agreed to receive a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) as enhanced compensation in full quit, from the 2nd Respondent/Insurance Company.**

(ii) If the Insurance Company has not deposited the entire Award amount already awarded by the Tribunal, it is directed to deposit the same along with the enhanced compensation now awarded, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after deducting the amount already deposited.

(iii) Appellant/Claimant is entitled to withdraw the entire award amount along with the enhanced compensation now awarded, after adjusting the amount, if any, already withdrawn.

(iv) The Trial Court shall follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

The Civil Miscellaneous Appeal is disposed of accordingly.

Indra

सत्यमेव जयते

.. Counsel for the Appellants

1.S.A.Selvaraj (Exparte)

WEB COPY

2.The New India Assurance Company Limited,
594, 'Obi Towers', 1st Floor,
D.B. Road, R.S.Puram,
Coimbatore - 641 002.

... Counsel for the Respondents

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

Copy to:

- 1.The Motor Accidents Claims Tribunal, Special District Court, Dharmapuri.
- 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.

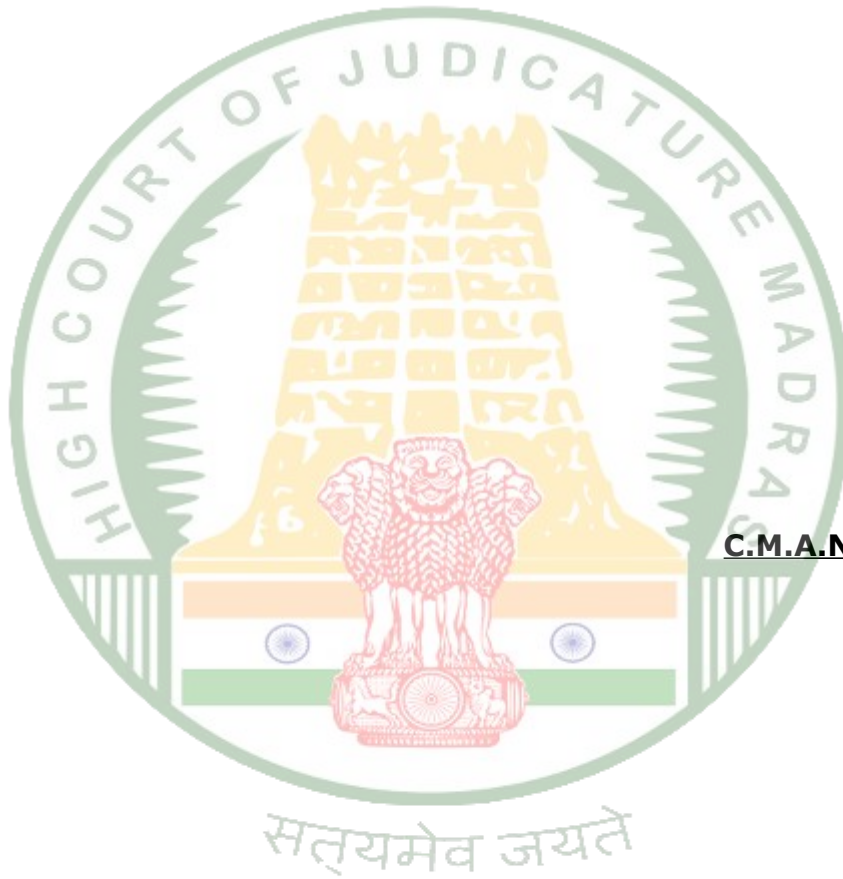
+2 copies



WEB COPY

S.VAIDYANATHAN,J.

(tsg/aeb)



C.M.A.No.1407 of 2018

WEB COPY

09.03.2019