

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 Honourable Mr.JUSTICE P.RAJAMANICKAM

Members: and

Mr.P. Subburaj (Retd. Judge)

Mrs.R.Rathnathara

C.M.ANo.1471 of 2018

(Appeal against the Judgment and decree passed on
16.12.2014 in M.C.O.P.No.2873 of 2010 on the file of the III Judge,
Court of Small Causes, Chennai (Motor Accidents Claims Tribunal).

S. Shanthi

..Appellant

vs.

1.S.Munikrishnan
(R1 was set exparte before the Tribunal)

2.The National Insurance Co., Ltd.,
Now the 2nd respondent having Office at
No.46, Moore street, III – Floor,
T.P.Cell, Chennai -1.

3. S. Prem Kumar

...Respondents

Though this case is not listed today in the cause-list, it is taken up for settlement before the National Lok Adalat at the instance of both parties. Both the parties are present. Mr.K.R.Ponnusamy for M/s.Anand and Suryas, learned counsel for appellant and Mr.S.Vadivel,

learned counsel for the second respondent 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.3,05,210/- with interest at the rate of 7.5% per annum from the date of petition till the date of deposit and costs as compensation. It is represented that already the entire award amount with interest had been deposited before the Tribunal and the same had been withdrawn by the appellant/claimant. Aggrieved over the same, the appellant/claimant has preferred the present appeal seeking enhancement of the compensation.

2. After due deliberation and consultation, both the parties have agreed to enhance the award amount to the tune of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand Only) in full quit over and above the award of the Tribunal and the award is accordingly modified.

3. In view of the above, the second respondent/Insurance Company is directed to deposit the enhanced award amount within a period of four weeks. On such deposit, the appellant/claimant is entitled to withdraw the same.

4. The Civil Miscellaneous Appeal is disposed of accordingly.
Consequently, connected Miscellaneous Petition, if any, is closed.

S. Shanthi

Counsel for the appellant

The National Insurance Co., Ltd.,
Now the 2nd respondent having Office at
No.46, Moore street, III – Floor,
T.P.Cell, Chennai -1.

Counsel for 2nd respondent

This National 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.

सत्यमेव जयते

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Judge

Member

Member

P.RAJAMANICKAM, J.

gv/dna

To: The parties/Advocate concerned

Copy to:

1. The III Judge, Court of Small Causes, Chennai (Motor Accidents Claims Tribunal).
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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09.03.2019