

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

Monday, the 09th day of November, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)

Member

and

Mrs. S.S.Jyothivani

C.M.A.No.1848 of 2018

Appeal against the Judgment and decree dated 04.10.2017 made in M.C.O.P.No.214 of 2012 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Tiruttani.

The Manager,
M/s.The Oriental Insurance Co. Ltd,
Motor T.P. Cell, No.115, 2nd Floor,
Broadway, Chennai – 600 001.

...Appellant

Vs.

1.Sekar, S/o. Jayaraman

2.K. Velmurugan, S/o. Kanimuthu
(Set ex-parte before the Tribunal)

...Respondents

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This case has been listed today and came up for settlement before the Lok Adalat.

Both parties are present. The learned counsel for the appellant Mr.M.J. Vijayaraghavan, and the learned counsel for the Respondent-1 Mr.R. Ramesh and Mr.S. Balakrishnan, Manager, The Oriental Insurance Co. Ltd, 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 appeal in CMA.No.1848 of 2018 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No. 214 of 2012 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Tiruttani, has been referred to Lok Adalat for conciliation today.

2. The Tribunal has awarded a sum of Rs.10,74,000/- with interest at 7.5% per annum from the date of petition till the date of deposit and also granted liberty to the 2nd respondent / Insurance Company to recover it from the 1st respondent, owner of the vehicle. Aggrieved by the award of the Tribunal, the appellant / Insurance Company has preferred the present appeal.

3.After due deliberation and consultation, both the parties have agreed to settle the matter for Rs. 9,70,000/- (Rupees Nine Lakhs and Seventy Thousand Only) in full quit for the claim as per terms awarded by the Tribunal by preserving the pay and recovery rights.

4.The appellant/Insurance Company is directed to deposit the modified award amount after deducting the amount already deposited within a period of 2 weeks from the date of receipt of copy of this order, failing which the award amount shall carry interest at the rate of 7.5% per annum from the date of the Award.

5. On such deposit the claimant/1st respondent is permitted to withdraw the modified award amount. Award is passed accordingly.

6. The Tribunal is directed to issue the amount through cheque / RTGS to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any.

The Manager,
M/s. The Oriental Insurance Co. Ltd,
Motor T.P. Cell, No.115, 2nd Floor,
Broadway, Chennai – 600 001.

...Counsel for the Appellant

Sekar, S/o. Jayaraman

...Counsel for the Respondent

This 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.

Judge

Member

S.MARIMUTH,J. (Retd.)

lbm

To:

The parties/Advocate concerned

Copy to:

1. The Motor Accident Claims Tribunal,
(Subordinate Judge), Tiruttani.
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.1848 of 2018****WEB COPY****09.09.2019**