

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee
Saturday, the 09th day of March, 2019

LOK ADALAT AWARD

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

Presided by

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

Members:

Mr.T. Sankara Narayanan Pillai
Mr.Tranqubar Dorai Vasu

and

C.M.A.No.156 and 2275 of 2014

These Appeals are filed against the Judgment and Decree dated 01.10.2013 MACT.O.P.No.2317 of 2011, on the file of the Chief Judge, Small Causes Court (Motor Accidents Claims Tribunal), Chennai.

C.M.A.No.156 of 2014

- 1.Jessy David
- 2.Tina Prakash
- 3.Tina David

All residing at No.1, Church Street,
Puzhuthivakkam,
Chennai – 600 091.

...Appellants

Vs.

- 1.K.Vasudevan,
No.148/5, Nehru Street,
Madipakkam, Chennai – 91.

- 2.United India Insurance Company Limited,
No.23/81, Nainiappa Naicken Street,
Chennai – 3.

...Respondents

C.M.A.No.2275 of 2014

United India Insurance Company Limited,
No.23/81, Nainiappa Naicken Street,
Chennai – 3.

...Appellant

Vs.

1.Jessy David
2.Tina Prakash
3.Tina David
All residing at No.1, Church Street,
Puzhuthivakkam,
Chennai – 600 091.

... Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the claimants Mr.R.Kalai Arasan and the learned for the Insurance Company Mr.S.Arun Kumar 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 claimants have preferred an appeal in C.M.A.No.156 of 2014 and the Insurance company has preferred an appeal in C.M.A.No.2275 of 2014 against the Judgment and Decree dated 01.10.2013 MACT.O.P.No.2317 of 2011, on the file of the Chief Judge, Small Causes Court (Motor Accidents Claims Tribunal), Chennai.

2. It is represented by the United India Insurance Co. Ltd., that the insurance company seeking for reduction. In the interim direction the insurance company has deposited Rs.15,00,000/- with interest. Now both the parties have agreed by way of compromise that the insurance company shall deposit further a sum of Rs.5,75,000/- in full

quit, over and above the amount already deposited. The claimants have withdrawn a part of the amount deposited already.

3.The insurance company is directed to deposit a sum of Rs.5,75,000/- within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the first claimant, Jessy David shall withdrawn 80% of the amount available in the deposit to the credit of MACT.O.P.No.2317 of 2011, the second claimant, Tina Prakash shall withdrawn 10% of the amount available in the deposit and the third claimant, Tina David, shall withdrawn remaining 10% of the amount available in the deposit, without filling any petition. Award is modified accordingly.

4. The Tribunal is directed to transfer the above said modified award amount to the individual bank account of the appellant by way of NEFT/RTGS, on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

5. These Civil Miscellaneous Appeals are disposed of accordingly.

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.

M.NIRMAL KUMAR.J,

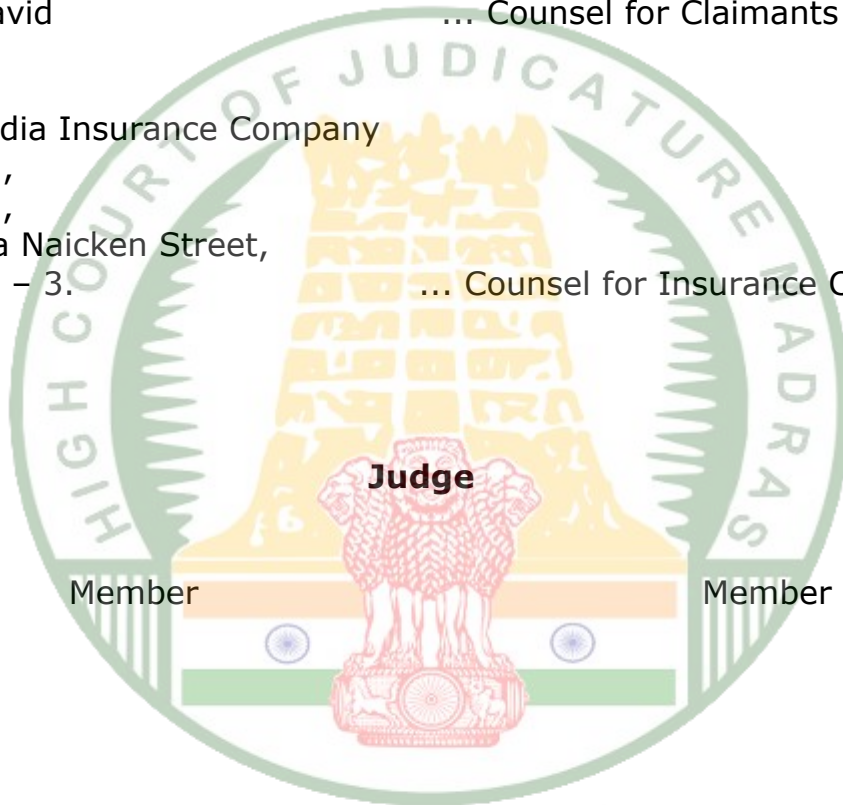
ah/vv2

- 1.Jessy David
- 2.Tina Prakash
- 3.Tina David

... Counsel for Claimants

United India Insurance Company
Limited,
No.23/81,
Nainiappa Naicken Street,
Chennai – 3.

... Counsel for Insurance Company



To

The parties/Counsel concerned

Copy to

- 1.The Motors Accidents Claims Tribunal,
In the III 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.

C.M.A.No.156 and 2275 of 2014