

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
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 over by

The Hon'ble Mr.JUSTICE C. SARAVANAN

and

Members

Mrs.P.Kavitha Balakrishnan

Mr.Daniel Haridoss

C.M.A.No.1841 of 2014

[Appeal against the Final Award passed on 27.11.2013 in MCOP.No.2418 of 2009 on the file of the Motor Accidents Claims Tribunal, Cuddalore, Special Court for MCOP Cases, Cuddalore)

M/s.Bharti Axa Gen Insurance Co.Ltd.,
No.162, Anna Salai, II Floor,
Metro Plaza, Chennai 600 002.

... Appellant

Vs.

1. Mayavan

2. S.B.Padmanabhan

(Even R2 set exparte before the Tribunal)

... Respondents

Though this case is not listed before this forum settlement, it is taken up for hearing at the instance of the learned counsel for the appellant. Both the parties are present. The learned counsel for the appellant / Insurance Company Mrs.C.Bhuvanasundari and learned counsel for respondents Mr.R.Sreedhar 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.1,05,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the Insurance Company, that the Insurance company has already deposited a sum of Rs.65,115/- deposited before the Tribunal. Aggrieved against the award of the Tribunal, the Insurance Company has preferred the present appeal. Now, both the parties have agreed to modify the award of a sum of Rs.1,35,000/- (Rupees One Lakh Thirty Five Thousand Only) along with accrued bank interest thereon in full quit as compensation.

2. The Appellant/Insurance Company is directed to deposit the amount of 1,35,000/- (Rupees One Lakh Thirty Five Thousand Only), less the amount already deposited, within a period of four weeks from the date of receipt of a copy of this order, failing which, interest shall be paid at the rate of 7.5% per annum from this date till the date of deposit. On such deposit, the first respondent is permitted to withdraw the amount without filing any formal petition. The Award is passed accordingly.

4. The Tribunal is directed to issue the cheque 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 Petitions is closed.

M/s.Bharti Axa Gen Insurance Co.Ltd.,
No.162, Anna Salai, II Floor,
Metro Plaza, Chennai 600 002.

Counsel for the Appellant

Mayavan

S.B.Padmanabhan

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, Cuddalore,
Special Court for MCOP Cases, Cuddalore
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.

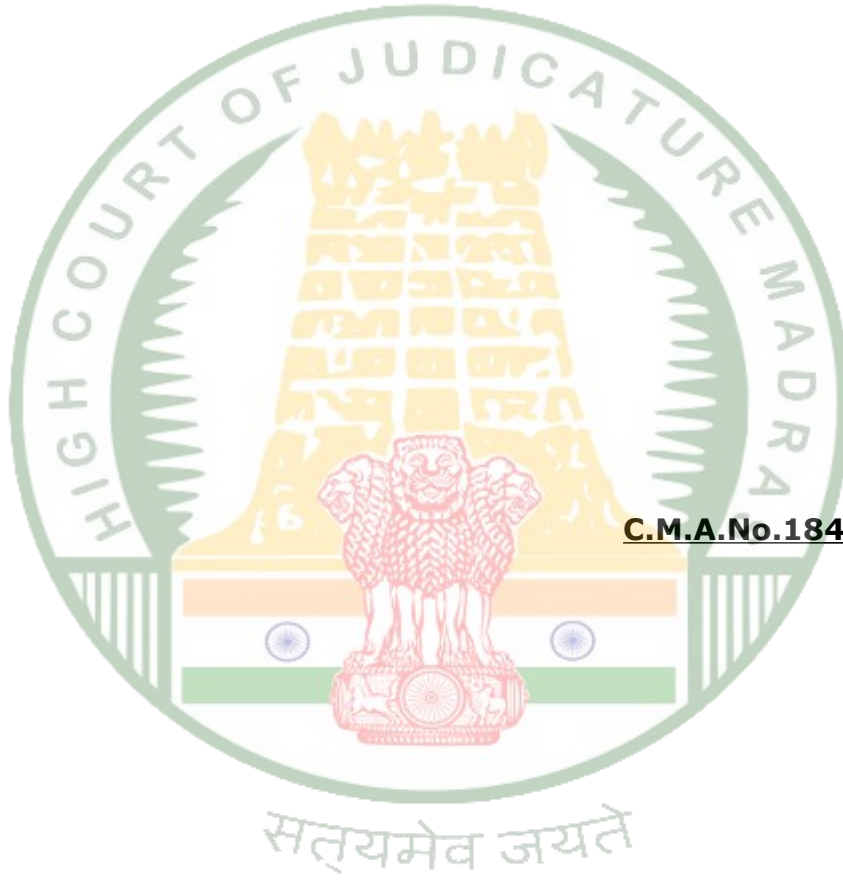
jen



WEB COPY

C.SARAVANAN.,J.

jen



C.M.A.No.1841 of 2014

WEB COPY

09.03.2019