

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

LOK ADALAT-I ORGANISED BY THE HIGH COURT LEGAL SERVICES COMMITTEE

FRIDAY, THE 22ND 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.K.KRISHNAN (Retd.)
and

Member

Mr.R.Kanagasabapathi Dist. Judge (Retd.)

CMA.No.2148 of 2014

Appeal to set aside the order made in M.C.O.P.No. 483 of 2010 on the file of the Motor Accidents Claims Tribunal, Cum Subordinate Court, Sankari dated 13.08.2013.

Murugesan

...Appellant

Vs.

1. E.Selvam S/o.Elumalai
(Set Exparte before the Tribunal)
2. Royal Sundaram Alliance Insurance Co.Ltd.,
Sundaram Towers, 45 & 46, Whites Road,
Chennai 600 014

...Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Mr.C.Kulanthaivel, Learned counsel for the appellant and appellant are present. Mr.M.B.Raghavan, the learned counsel for the respondents and the respondents 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 C.M.A. No.2148 of 2014 pending on the file of High Court, Madras preferred against the award passed in MCOP.No.483 of 2010 on the file of Motor Accidents Claims Tribunal cum Sub ordinate Court Sankari has been referred to Lok Adalat for conciliation today.

2. This Appeal has been taken up for hearing today on representation made by both parties that they have already settled the matter and therefore the case can be and disposed of.

3. Accordingly, this case has been taken up for hearing to day before this Lok Adalat.

4. The appellant in this case is the injured person who sustained grievous injuries due to that rash and negligent Act of the driver of the Lorry bearing Registration No. TN 30 AB 3144. It is stated that in that vehicle the appellant/petitioner herein was working as a cleaner in the vehicle and due to the impact upon the another vehicle which was parking in the opposite direction bearing registration No. KA 01 C 8096 and as a result of the rash and negligent Act of the driver of the lorry the appellant/petitioner sustained grievous injuries and thereafter he was admitted in to the hospital for treatment. Since the injury on the right shoulder and right leg was grievous as per the doctors advice amputation was done.

5. For claiming compensation for the injuries sustained by the injured person he filed original claim petition before the Sub Court, Sankari wherein he sought for compensation a sum of Rs.25,00,000/-. The tribunal conducting enquiry, awarded a sum of Rs.8,27,000/-. The said amount awarded by the Court was deposited by the respondent/ insurance company. It is stated that the said awarded amount a sum of Rs.8,27,000/- was subsequently withdrawn by the appellant/petitioner. Since he felt that he become totally incapable of attending any work and totally lossing earning capacity due to the said accident, the injured person preferred an appeal against the award passed by the Sub ordinate Court, Sankari. At the stage this case has been referred to Lok Adalat for arriving an amicable settlement between the parties.

6. When this case is taken up for hearing today, both parties have stated that they are ready to compromise the matter and settled the enhancement of the compensation amount a sum of Rs.6,00,000/- above awarded amount. The learned counsel appearing for both sides stated that the enhancement of amount a sum of Rs.6,00,000/- accepted by both parties may be treated as full quit in this case. Accordingly a sum of Rs.6,00,000/- is treated as a full quit amount in this case and the respondent insurance company is directed to deposit the said amount within eight weeks from the date of receipt of copy of this order. The appellant is directed to with draw the amount by following the procedures.

Sd/-
Murugesan, S/o.Narasimman

Sd/-
Counsel for the Appellant

Sd/-
1.E.Selvam, S/o.Elumalai

Sd/-
2.Royal Sundaram Alliance Insurance Co.Ltd.,
Sundaram Towers, 45 & 46, Whites Road,
Chennai 600 014

Sd/-
Counsel for the Respondents

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.

Sd/-
Member

Sd/-
Judge

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

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To:

The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal,
Sub Ordinate Court,Sankari
- 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.

CMA.No.2148 of 2014

SAI (CO)
CS/13/12/2019