

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th day of December, 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.Revathi G.Mohan
Mr.M.Sambasivam

C.M.A.Nos.3230 of 2014

and

C.M.A.No.438 of 2015

[Appeals against the judgment and decree passed on 11.06.2014 in MCOP.No.2344 of 2012 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge - I, Chennai)

K.Prathap

... Appellant in CMA.No.3230 of 2014 and
1st respondent in CMA.No.438 of 2015

vs.

1.M.Mohamed Ismail

... 1st respondent in CMA.No.3230 of 2014 and
2nd respondent in CMA.No.438 of 2015

2.The Manager,

The Oriental Insurance Co.Ltd,
"Oriental House",
O.No.15, N.No.16,
Prakasam Salai, Broadway,
Chennai 600 108.

.. 2nd respondent in CMA.No.3230 of 2014 and
Appellant in CMA.No.438 of 2015

These cases came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant in C.M.A.No.3230 of 2014 and 1st respondent in C.M.A.No.438 of 2015 Mr.A.A.Venkatesan and learned counsel for the 2nd respondent in C.M.A.No.3230 of 2014 and appellant in CMA.No.438 of 2015 Mr.K.Elveera Ravindran 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.6,05,000/- with interest at 7.5% per annum from the date of numbering of the petition till the date of realisation and cost. It is represented by the learned counsel for the Insurance Company that a sum of Rs.25,000/- has already been deposited before the Tribunal.

2. Not satisfied with the award of the Tribunal, the claimant/appellant has preferred the present appeal in C.M.A.No.3230 of 2014 for enhancement. Now, both the parties have agreed to settle the dispute on payment of Rs.1,00,000/- (Rupees One Lakh only) in full quit over and above the amount already awarded by the Tribunal.

3. The Insurance Company is directed to deposit the balance award amount together with interest and enhanced award amount of Rs.1,00,000/- (Rupees One Lakh only) in full quit in C.M.A.No.3230 of 2014, within a period of six weeks from the date of receipt of a copy of this order after deducting the amount already deposited before the Tribunal, if any, failing which, it shall be paid with interest at the rate of 7.5% per annum from this date till the date of deposit. On such deposit, the claimant is permitted to withdraw the entire award 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.

5. In view of the above settlement between both the parties, the appeal filed by the Insurance Company in C.M.A.No.438 of 2015 is closed according to the above terms. C.M.A.No.3230 of 2014 filed by the claimant is disposed accordingly.

K.Prathap

Counsel for the Appellant in CMA.No.3230 of 2014 and 1st respondent in CMA.No.438 of 2015

The Manager,
The Oriental Insurance Co.Ltd,
"Oriental House",
O.No.15, N.No.16,
Prakasam Salai, Broadway,
Chennai 600 108.

Counsel for the 2nd respondent in CMA.No.3230 of 2014 and appellant in CMA.No.438 of 2015

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

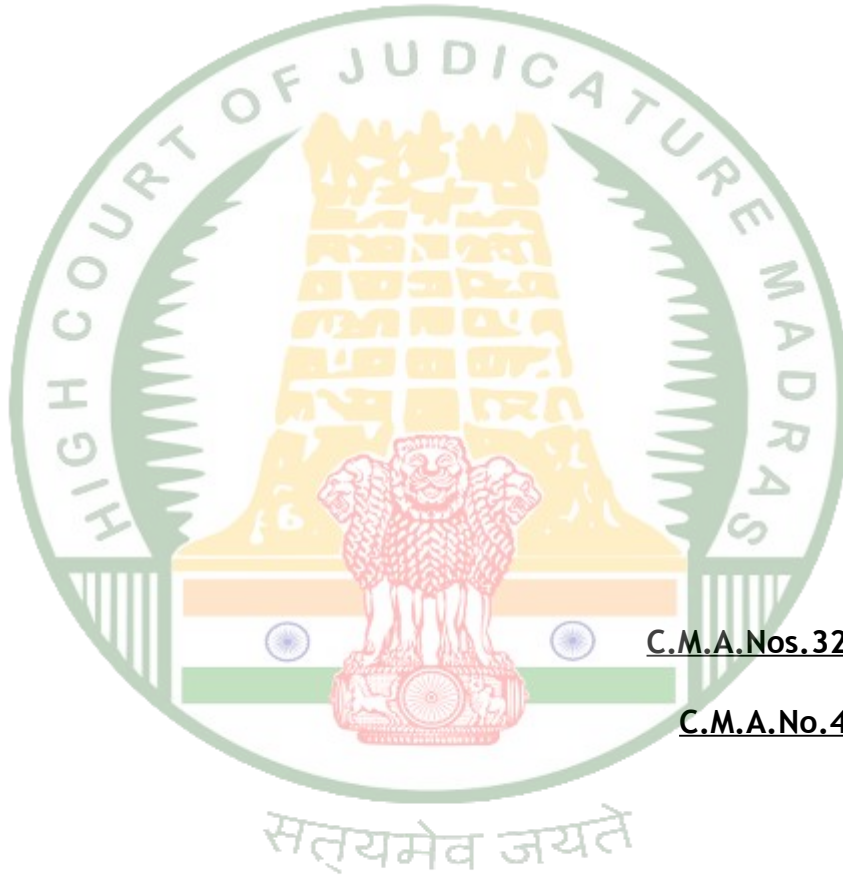
The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Special Sub Judge - I, 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.SARAVANAN,J.

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C.M.A.Nos.3230 of 2014
and
C.M.A.No.438 of 2015

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