

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

Monday, the 21st day of October, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Member

Mr. V.C. Suresh

CMA. No.3283 of 2014

Appeal against the Judgment and decree passed on
16.06.2014 made in M.C.O.P.No.4634 of 2012 on the file of the
Motor Accidents Claims Tribunal, (IInd Court of Small Causes),
Madras.

The Oriental Insurance Company Limited,
No.115, IInd Floor, Oriental House,
Broadway, (Prakasam Salai),
Chennai - 104 ...Appellant/2nd Respondent

Vs.

1.R. Sumathy1st Respondent/Petitioner

2. P. Krishna Moorthy2nd Respondent/1st Respondent

3.M/s. SRM Transports India (P) Ltd.

SRM Nagar, Kattankulathur,
Chengalpat Taluk,
Kancheepuram- 603 203.

4. Royal Sundaram Alliance Insurance Company Ltd.

New No.3, Old No.2, IInd Floor,
Khader Nawas Khan Road,
Nungambakkam, Chennai - 6.

....3rd & 4th Respondents in both

This case has been listed today and came up for
settlement before the Lok Adalat. Mr.K. Vinod, for Ms.Elveera
Ravindaran, Learned counsel for the appellant and
Mr.S. Balakrishnan, Manager, The Oriental Insurance Co. Ltd,
are present.

Mr.P. Chandrasekar, for
U.M.Ravichandran, the learned Counsel for the Ist respondent
and parties 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.3283 of 2014 pending on the file
of High Court, Madras and preferred against the award passed

in MCOP.No. 4634 of 2012 on the file of Motor Accidents Claims Tribunal, (IInd Court of Small Causes), Madras, has been referred to Lok Adalat for conciliation today.

2. The Appellant /the Oriental Insurance Company Limited who is the second respondent before the Tribunal represented by Mr.S. Balakrishnan, Manager, the Oriental Insurance Co. Ltd, assisted by Counsel Ms.Elveera Ravindaran and Ist respondent who is the petitioner before the Tribunal, assisted by her Counsel Mr.P. Chandrasekar, for U.M.Ravichandran, are present before Lok Adalat for conciliation today.

3. The respondents 2 to 4 herein, who are respondents 1, 3 and 4 before the Tribunal have already been given up as seen from the order dated 19.11.2014 passed by the Hon'ble High Court in M.P. No.1 of 2014 in C.M.A. No.3283 of 2014.

4. This is a case of Motor accident wherein the the 1st respondent has sustained injury and the Tribunal has awarded a sum of Rs.4,84,000/- along with interest @7.5% p.a. from the date of petition till the date of deposit for the amount awarded to Claimant who is the Ist respondent herein.

5. After great deliberation and discussion both parties have compromised the disputed claim at Rs.3,75,000/- with interest @ 7.5% p.a. from the date of petition till the date of deposit towards the claim.

6. Admittedly, the appellant/the Insurance Company has deposited the award amount before the competent Court. The appellant/the Insurance Company has agreed to deposit the balance amount if any, after considering the amount already deposited before the competent Court, within 6 weeks from the date of receipt of copy of this award.

7. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant/Insurance Company shall pay the balance amount if any, after adjusting the amount already deposited before the competent Court, within six weeks from the date of receipt of copy of this award.

8. Admittedly, as per the order of the Hon'ble High Court, the 1st respondent has withdrawn 25% of the amount already deposited before the Tribunal by the appellant/ the Insurance Company. The first respondent/the petitioner is permitted to withdraw the balance compromised amount immediately without filing any formal petition. No order as to costs. Award is passed accordingly.

9. The Tribunal is directed to issue the amount through cheque / RTGS to the parties 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.

Sd/-

The Oriental Insurance Company Limited,
No.115, IInd Floor, Oriental House,
Broadway, (Prakasam Salai),
Chennai - 104

Sd/-
Counsel for the Appellant

Sd/-

R. Sumathy

Sd/-

Counsel for the 1st 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

Copy to:

1. Motor Accidents Claims Tribunal, (IInd Court of Small Causes), Madras.
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.+2 Copies

CMA. No.3283 of 2014

vd[co]

srg 28/11/2019

<https://hcservices.ecourts.gov.in/hcservices/>