

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Monday, the 18th day of February, 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

Members

- 1.Mr.P.Perumalappan
- 2.Mrs.S.Jayakumari

C.M.A.No.3321 of 2014

Appeal against the judgment and decree passed on 03.09.2014 made in M.C.O.P.No.194 of 2010 on the file of the Motor Accidents Claims Tribunal Special Sub Judge - I, Chennai.

R.Rasammal

... Appellant

Vs.

1.S.Suresh

(1st respondent remained set exparte before the Tribunal)

2.Bajaj Allianz General Insurance Company Limited,

No.25 & 26, Prince Towers,

4th Floor, College Road,

Nungambakkam, Chennai - 06.

... Respondents

This case has been ordered to be listed today but not listed by mistake. The case is taken up for settlement before the Lok Adalat, since the learned counsel for the appellant Mr.K.Varadha Kamaraj and the learned counsel for the respondent Mr.S.Manohar and Ms.N.Thilagavathy, Legal Officer, Bajaj Allianz General Insurance Company Limited 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 CMA.No.3321 of 2014 pending on the file of High Court, Madras and preferred against the award passed in M.C.O.P.No.194 of 2010 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge - I, Chennai, has been referred to Lok Adalat for conciliation today.

2. The appellant who is the petitioner before the Tribunal assisted by counsel and the 2nd respondent who was also the 2nd respondent before the Tribunal represented by Ms..N.Thilagavathy, Legal Officer are present before Lok Adalat for conciliation today. This is a case of fatal accident.

3. The Tribunal has awarded a sum of Rs.3,98,000/- (Rupees Three Lakhs Ninety Eight Thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit of the awarded amount and the awarded amount has already been deposited before the Competent Court in this appeal by the petitioner / appellant.

4. After great deliberation and discussion, both parties have agreed to pay and receive a sum of RS.3,90,000/- (Rupees Three Lakhs Ninety Thousand only) towards full quit of the claim in this appeal over and above the awarded amount by the Tribunal.

5. The Insurance company has agreed to deposit the enhanced compensation of Rs.3,90,000/- within a period of four weeks from the date of receipt of copy of this award.

6. In view of the compromise arrived at between both the parties, the Lok Adalat here by declare and decree that the 2nd respondent / Bajaj Allianz General Insurance Company Limited, No.25 & 26, Prince Towers, 4th Floor, College Road, Nungambakkam, Chennai - 06 shall pay a sum of Rs.3,90,000/- towards full quit of the claim in this appeal in addition to the award amount already passed by the Tribunal within a period of four weeks from the date of receipt of copy of this award to the appellant who is the petitioner before the Tribunal. Immediately on deposit of enhanced compensation of Rs.3,90,000/- , the appellant is permitted to withdraw the said amount without filing any formal petition. No order as to costs. Award is passed accordingly. Consequently, connected Miscellaneous Petition is also closed.

7. 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/-
R.Rasammal

Sd/-
Counsel for the Appellant

Sd/-
Bajaj Allianz General Insurance Company Limited,
No.25 & 26, Prince Towers,
4th Floor, College Road,
Nungambakkam, Chennai - 06.

Sd/-
Counsel for the 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/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

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

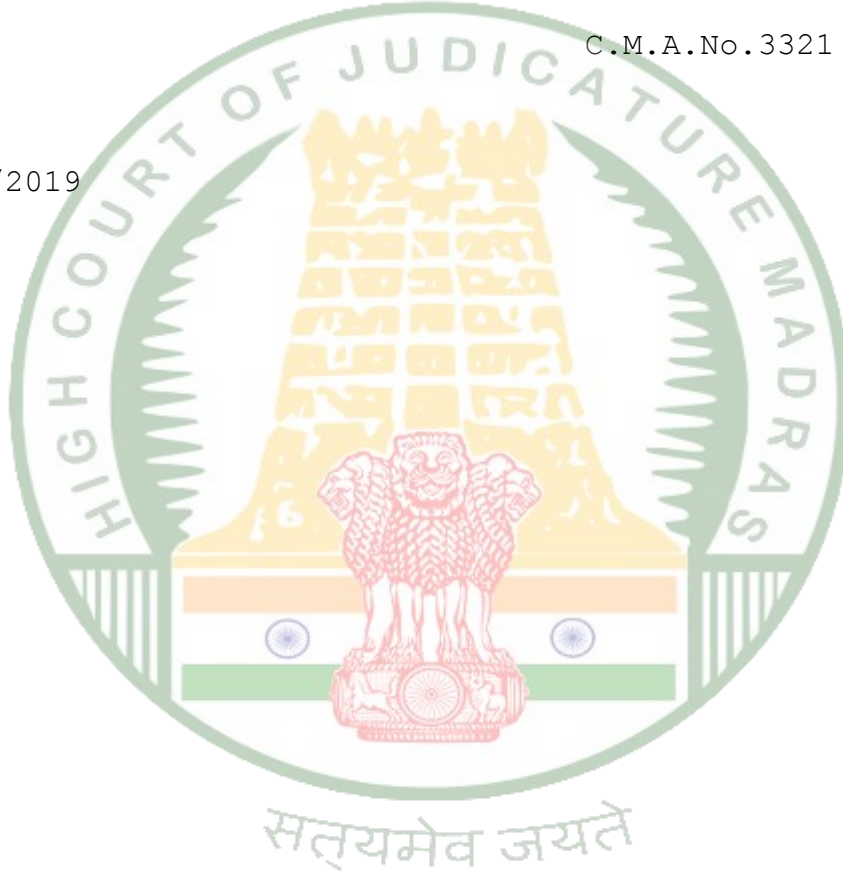
2.The Secretary,
High Court Legal Services Committee, Chennai.

3.The Section Officer,
V.R.Section, High Court, Madras.

4.The Section Officer,
Lok Adalat Section, High Court, Madras. +2 copies

C.M.A.No.3321 of 2014

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