

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 by

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

and

Members:

Mr.Sankaranarayana Pillai.T
Mr.Tanquebar Dorai Vasu

C.M.A.No.512 of 2014

(The Appeal is not listed today, however, with the consent of the parties, it is taken up for settlement. The Appeal is filed against the judgment and decree dated 12.02.2013 passed in M.C.O.P.No.4321 of 2010 on the file of the Motor Accidents Claims Tribunal, XVI Additional District Court, Chennai).

Maria Michal

...Appellant

Vs.

1.D.Sankar (remained exparte)

2.United India Insurance Co. Ltd.,
Railway Station Road,
Gummudipoondi.

...Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.Varadha Kamaraj, is present. The learned counsel for the 2nd respondent Mr.S.Arunkumar is present and officials of Insurance company are also 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.6,00,000/- with interest at 7.5% p.a. from the date of petition, till the date of realization with proportionate cost and recover the same from the first respondent as compensation.

2. Aggrieved by the award of the Tribunal, the Appellant has preferred the present appeal. The amount awarded by the Tribunal has already been deposited by the Insurance Company and the same has been withdrawn by the appellant.

3. By way of compromise, the 2nd respondent/insurance company agreed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) in full quit, in addition to the award amount of the Tribunal as compensation and the same is agreed by both sides.

4. The Insurance company is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) in full quit, with proportionate cost and recover the same from the first respondent, within a period of six weeks from the date of receipt of a copy of this award, to the credit of M.C.O.P.No.4321 of 2010 before the concerned Tribunal.

Award is modified accordingly.

5. The Tribunal is directed to transfer the above said modified award amount to the individual bank account of the appellant by way of NEFT/RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

6. The Civil Miscellaneous Appeal is disposed of accordingly. Connected miscellaneous petition, if any, is closed.

Maria Michal

.. Counsel for Appellant

United India Insurance Co. Ltd.,
Railway Station Road,
Gummudipoondi.

..Counsel for the 2nd Respondent

7. This Lok Adalat award is passed in terms of the above settlement.

M.NIRMAL KUMAR.J,

klr

8. 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.

To

The parties/Counsel concerned
Copy to

- 1.The Motor Accidents Claims Tribunal, XVI Additional District Court, 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.

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09.03.2019