

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
NATIONAL LOKADALAT organised by the High Court Legal Services
Committee

Saturday, the 13th day of July, 2019

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE J.A.K.SAMPATH KUMAR (Retd.)
and

Members

Mr.Thanikasalam, District Judge (Retd.,)

Mr.B.Radha Krishnan Advocate

C.M.A.Nos.559 and 1940 of 2014

(Appeal against the judgment and decree passed in
M.C.O.P.No.3777 of 2009 on the file of the Motor Accidents Claims
Tribunal, VI Judge, Small Causes Court, Chennai, dated 23.08.2013.

CMA.No.559 of 2014

Gopal

... Appellant

/vs/

1. K.Mohamed Mydin
(Remained ex-parte before
the Tribunal)

2. Bajaj Allianz General Insurance Co.Ltd.,
No.25/26, Prince Towers, 4th Floor,
College Road, Chennai-600 006.

... Respondents

CMA.No.1940 of 2014

Bajaj Allianz General Insurance Co.Ltd.,
No.25/26, Prince Towers, 4th Floor,
College Road, Chennai-600 006.

... Appellant

Vs.

1. Gopal

2. K.Mohamed Mydin
(Remained ex-parte before
the Tribunal)

.... Respondents

These cases are taken up for settlement before the Lok Adalat. Both the parties are present. Mr.G.Shanmugam, learned counsel for the appellant in CMA.No.559 of 2014 and the first respondent in CMA.No.1940 of 2014 is present. and Mr.S.Manohar, learned counsel for the appellant in CMA.No.1940 of 2014 and the second respondent are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

COMMON TERMS OF SETTLEMENT

Both the appeals arose out of the award passed in M.C.O.P.No3777 of 2009 on the file of VI Small Causes Court, Chennai.

2. After due deliberation and consultation, the matter has been settled in National LOKADALAT held on 08.12.2018.

3. Now the dispute arose with reference to the balance amount lying in the Court deposit. Both the Parties are present and filed a Joint Compromise Memo. Memo filed by the Claimant and Insurance Company which reads as follows:

"1) The Insurance Company has deposited Rs.7,50,000/- being the modified award amount in M.C.O.P.No3777 of 2009.

2) The Lower Court has invested the award amount in Bank and the amount has been recalled with accrued interest for a sum of Rs.9,24,622/-.

3) Since the investment is made out of amount payable to the claimant, the claimant is entitled to accrued

interest on invested award amount.

4) The parties accordingly, mutually agree to modify the terms of arrival. The claimant is entitled to withdraw the entire amount lying in court including interest. "

4) In view of the Joint memo of compromise, the entire amount lying the Court deposit shall be paid to claimant without filing any formal petition.

Bajaj Allianz General Insurance Co.Ltd.,
No.25/26, Prince Towers, 4th Floor,
College Road, Chennai-600 006.

Counsel for the appellant in
CMA.No.1940/2014
and
2nd respondent
in CMA.No.559/2014

1.Gopal
2. K.Mohamed Mydin

Counsel for the
Respondents inCMA.No.1940/2014
and
appellant
in CMA.No.559/2014

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.

Judge

Member

Member

J.A.K.SAMPATH KUMAR.J.,

VV

To: The parties/Advocate concerned

Copy to:

1. Motor Accidents Claims Tribunal, VI Judge, Small Causes 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. +2 copies



C.M.A.Nos.559 and 1940 of 2014

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13.07.2019