

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 22nd 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 T.N.VALLINAYAGAM (Retd.)
and

Members

1. Mr. P.Ramalingam
2. Mr. N.Gnanalingam

CMA.No.78 of 2014

Appeal against the Judgment and decree dated 12.07.2013 made in M.C.O.P.No.2579 of 2011 on the file of the Motor Accidents Claims Tribunal, II Judge, Court of Small Causes, Chennai.

1.B.Kala

2.P.Balasubramaniam

... Appellants

Vs.

1.R.Mannu

2.Bajaj Allianz General Insurance Company Limited,
No.25/26, Prince Towers, 4th Floor,
College Road, Nungambakkam,
Chennai - 34.

(Now operating from Old No.276 & 277,
New No.497 & 498, Isana Kattima Building:.,
5th Floor, Poonamallee High Road,
Arumbakkam, Chennai - 600 106).

(1st Respondent set exparte before the Tribunal)

... Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the Appellant Mr.G.Balaji Prasad and the learned counsel for the Respondents Mr.T.K.Premkumar 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 Tribunal has awarded a sum of Rs.7,28,000/- (Rupees Seven Lakhs Twenty Eight Thousand only) with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the Respondent / Insurance company that the entire amount has already been deposited before the Tribunal and the same has been withdrawn by the claimants / appellants.

2. Not satisfied with the award of the Tribunal, the claimant / appellant has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only), as full quit of the claim over and above the awarded amount before the Tribunal.

3. The Respondent / Insurance company is directed to deposit the additional award amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only), as full quit of the claim over and above the awarded amount within a period of eight weeks from the date of receipt of a copy of this order.

4. On such deposit, the appellants / claimants are permitted to withdraw the above award amount equally i.e., 50% each, without filing any formal petition before the Tribunal. The Award is passed accordingly.

5. 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/-

1.B.Kala

Sd/-

2.P.Balasubramaniam

Sd/-

Counsel for the Appellant

Sd/-

Bajaj Allianz General Insurance Company Limited,
No.25/26, Prince Towers, 4th Floor,
College Road, Nungambakkam,
Chennai - 34.

(Now operating from Old No.276 & 277,
New No.497 & 498, Isana Kattima Building:,

5th Floor, Poonamallee High Road,
Arumbakkam, Chennai - 600 106).
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(L.A.)

//True copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
II Judge, Court of Small Causes, Chennai
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras.
(2 copies)
4. The Section Officer, Lok Adalat Section, High Court, Madras.
+2 copies

CMA.No.78 of 2014

CD(CO)
GMY(08/04/2019)