

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 15th 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.N.Mohandoss
- 2.Mr.K.Thilageswaran

C.M.A.No.1334 of 2017 and CMP.No.6998 of 2017

Appeal against the judgment and decree passed on 14.11.2016 made in M.C.O.P.No.1054 of 2014 on the file of the Motor Accidents Claims Tribunal (II Small Causes Court, Chennai).

The Bajaj Allianz General Insurance Company Limited,
New.No497 & 498, Old No.276 & 277,
Isana Kattima Building, 5th Floor,
Opp Panchali Amman Temple and Medical Council,
Near DG Vaishnav College, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

.. Appellant/2nd Respondent

Vs.

1.S.Bharath Prakash
2.M/s.Suganthi Education Trust
No.15, Corporation Colony
Kodambakkam, Chennai - 600 024.

.. Respondents/
Claimant, 1st Respondent

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the appellant Mr.T.K.Premkumar and Mr.S.Bharath Prakash / 1st respondent appeared party-in-person 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.1334 of 2017 pending on the file of High Court, Madras and preferred against the award passed in M.C.O.P.No.1054 of 2014 on the file of the Motor Accidents Claims Tribunal (II Small Causes Court, Chennai) has been referred to Lok Adalat for conciliation today.

2. The appellant / Bajaj Allianz General Insurance Company Limited who was the 2nd Respondent before the Tribunal is assisted by Ms.N.Thilagavathy, Legal Officer and the 1st respondent herein was a claimant before the Tribunal. The above said Claimant is appeared party-in-person. This is a case of Motor Accident causing grievous injury to the 1st respondent herein.

3. The Tribunal has awarded a sum of Rs.7,74,200/- (Rupees Seven Lakhs Seventy Four Thousand Two Hundred only) along with interest at 7.5% per annum from the date of petition till the date of deposit.

4. Admittedly, the appellant / Insurance company has deposited the awarded amount along with interest of Rs.9,78,041/- (Rupees Nine Lakhs Seventy Eight Thousand Forty one only) before the Competent Court.

5. After great deliberation and discussion both parties have compromised the disputed claim in this appeal and the 1st respondent who is the claimant before the Tribunal has agreed to receive the sum of Rs.8,78,041/- (Rupees Eight Lakhs Seventy Eight Thousand Forty One only) out of Rs.9,78,041 deposited before the Tribunal and further agreed for refund of Rs.1,00,000/- out of the above said deposited amount to the appellant / Insurance company.

6. In view of the compromise arrived at between both the parties, the Lok Adalat here by declare and decree that the appellant / Insurance company shall pay to the 1st respondent herein who is the petitioner before the Tribunal, a sum of Rs.8,78,041 out of the deposited amount of Rs.9,78,041/- before the Tribunal and the Insurance company shall withdraw the balance amount of Rs.1,00,000/- from the competent court after withdrawal of the amount agreed to be paid to the 1st respondent / claimant.

7. The 1st respondent / claimant is permitted to withdraw the compromise amount immediately after the competent court without filing any formal petition. No order as to costs. Award is passed accordingly. Consequently, connected Miscellaneous Petition is also closed.

8. 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 Bajaj Allianz General Insurance Company Limited,
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Opp Panchali Amman Temple and Medical Council,
Near DG Vaishnav College, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

Sd/-

Counsel for the Appellant

Sd/-

S.Bharath Prakash

Party - in - person

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

To:The parties/Advocate concerned

Copy to:

1. The II Judge,
Motor Accidents Claims Tribunal,
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.No.1334 of 2017

CS/16/05/2019