

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
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 over by

The Hon'ble Mr.JUSTICE C. SARAVANAN
and

Members

Mrs.P.Kavitha Balakrishnan
Mr.Daniel Haridoss

C.M.A.No.2830 OF 2017

[Appeal against the judgment and decree passed on 07.12.2016 in MCOP.No.5435 of 2013 on the file of the Motor Accidents Claims Tribunal, (II Court of Small Causes) Chennai.

Royal Sundaram Alliance Insurance Co. Ltd.,
No.1, Club House Road,
Subramaniya Building,
2nd Floor, Anna Salai,
Chennai 600 002.

... Appellant

Vs.

1.M.Uma
2.K.Mohanmuthu
3.M.Vijayalakshmi (Minor)
(Rep.by her mother and next friend
M.Uma)
4.P.Senthil Murugan
(4th respondent set exparte before
the Tribunal)

..Respondents

Though this case is not listed before the National Lok Adalat today, it is taken up for hearing at the instance of the learned counsel for the appellant. Both the parties are present. The learned counsel for the appellant Mr.G.Vasudevan and learned counsel for the respondents, Ms.R.Janagi and A.A.Venkatesan 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.15,40,000/- with proportionate cost and interest at 7.5% per annum from the date of numbering of the petition till the date of realisation. It is represented by the learned counsel for the Insurance Company that a sum of Rs.10,00,000/- with proportionate interest and cost has already been deposited before the Tribunal.

2. Aggrieved over the award of the Tribunal, the appellant/Insurance Company has preferred the present appeal. Now, both the parties have agreed to modify the award to a sum of Rs.13,15,000/- (Rupees Thirteen lakhs and fifteen thousand only) with interest at the rate of 7.5% from the date of claim petition till the date of deposit. It is represented that the third respondent has attained majority.

3. The appellant/Insurance Company is directed to deposit the balance amount within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the first respondent is permitted to withdraw a sum of Rs.8,00,000/-, the second respondent is permitted to withdraw a sum of Rs.4,50,000/- and the third respondent is permitted to withdraw a sum of Rs.65,000/-. All the respondents are entitled to respective proportionate interest accrued by the deposits.

4. The Tribunal is directed to issue the cheques 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. Consequently, connected Miscellaneous Petitions are closed, if any.

Royal Sundaram Alliance Insurance Co. Ltd.,
No.1, Club House Road,
Subramaniya Building,
2nd Floor, Anna Salai,
Chennai 600 002.

Counsel for the Appellant

1.M.Uma

2.K.Mohanmuthu

3.M.Vijayalakshmi

Counsel for the respondents 1 to 3

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

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.

Member

Judge

Member

To:

The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal,
(II Court of Small Causes) 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.

Kkd/vkr

C.SARAVANAN., J.

Kkd/vkr



C.M.A.No.2830 OF 2017

WEB COPY

09.03.2019