

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 4th day of April, 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE M.THANIKACHALAM(Retd.)

and

Members

Mr. A.Manivasagam

Mr.Pa. Kadirvel

C.M.A. 37 of 2017

(Appeal against the judgment and decree passed on 09/09/2016 in M.C.O.P.No.6441 of 2013 on the file of the the Motor Accidents Claims Tribunal - IV Court of Small Causes, Chennai.)

K. Annamalai

... Appellant/ Claimant

Vs.

1.K. Balu

2.The Manager,

The New India Assurance Company Limited,
No.45, Moore Street, 5th Floor,
Chennai - 01

..Respondents / Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant Mr.A.A. Venkatesan and the learned counsel for the 2nd respondent Mr.J. Chandran 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 appellant/Claimant having sustained some grievous injuries in a road accident, claiming a sum of Rs.6,00,000/- as compensation, has filed the case before the Tribunal. After Trial, the Tribunal came to the conclusion that the claimant is entitled to only Rs.1,23,000/- with interest there on. Aggrieved by the rest of the claim declined, the claimant preferred an appeal, for enhancement of Rs.4,00,000/-. When the matter pending at the stage, as represented before us, the parties have set together and discussed the matter, considering the grievous injuries, which had created permanent disability, the Insurance Company has also agreed to enhance the compensation, in full quit of another sum of Rs.2,00,000/- (without Interest) thereby, enhancing the compensation for which the counsel for the claimant is also agreeable.

2.It is also represented by the both parties that the award amount passed by the Trial Court was already deposited with interest and withdrawn by the Claimant. Therefore, the liability of the Insurance Company at present is only Rs.2,00,000/-. The Insurance Company is directed to deposit the sum of Rs.2,00,000/- (Rupees Two Lakh Only) in full quit within four weeks from the date of receipt of copy of this order.

3.On such deposit, the claimant / appellant is permitted to withdraw the enhanced award amount without filing any formal petition. The Award is passed accordingly.

4.The Tribunal is directed to issue the cheque to the party 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.

Sd/-
K. Annamalai

Sd/-
Counsel for the Appellant

Sd/-
The Manager,
The New India Assurance Company Limited,
No.45, Moore Street, 5th Floor,
Chennai - 01

Sd/-
Counsel for the 2nd respondent

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.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal
IV 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, सत्यमेव जयते
Lok Adalat Section, High Court,
Madras.+2 copies

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C.M.A. 37 of 2017

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GN (19/07/2019)