

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Monday, the 27th day of January, 2020

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE MALAISUBRAMANIAN (Retd.)
and

Member:

Mr.M.Ramachandran

CMA.No.2328 of 2009

Appeal against the Judgment and decree dated 11.09.2008 made
in M.C.O.P.No.3210 of 2002 on the file of the Motor Accidents
Claims Tribunal, V Court of Small Causes, Chennai.

K.Dasaratha Raju ... Appellant/Petitioner

Vs.

1. Liberty Carriers (Pvt.) Ltd.,
by its Director
No.3/284, Muttukadu Road
Neelankarai, Chennai - 41.
2. M/s.Oriental Insurance Company Ltd.,
Rosy Tower, II Floor
No.7, Nungambakkam High Road
Chennai- 600 034. ... Respondents/Respondents

This case has been listed today and came up for settlement
before the Lok Adalat. Mr.N.Veerassamy, learned counsel for the
Appellant and Mr.M.Krishnamoorthy and Ms.Madhavi, learned
counsel for the second Respondent and Mrs.Unamaheswari, Deputy
Manager, M/s.Oriental Insurance Company Limited and the
appellant are present. First respondent remained exparte. 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.2328 of 2009 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No. 3210 of 2002 on the file of the Motor Accidents Claims Tribunal, V Court of Small Causes, Chennai, has been referred to Lok Adalat for conciliation today.

2. The Appellant, who is the petitioner before the Tribunal, assisted by counsel and the 2nd Respondent / Oriental Insurance Company Limited, assisted by counsel and represented by Mrs.Umamaheswari, Deputy Manager of Oriental Insurance Company Limited are present before Lok Adalat today for conciliation. This is a case of Motor Accident causing injury to the appellant herein. The Tribunal has awarded a sum of Rs.1,13,000/- (Rupees One Lakh and Thirteen Thousand only) as compensation along with interest at 7.5% per annum from the date of numbering the claim petition till the date of deposit (excluding the period of dismissal for default, if any) along with proportionate cost.

3. Not satisfied with the award of the Tribunal, the appellant/claimant has preferred this appeal for enhancement of compensation.

4. After due deliberation and discussion, both the parties have compromised the disputed claim at Rs.1,00,000/- (Rupees One Lakh only) as full and final quit of the claim over and above the amount awarded by the Tribunal. The 2nd respondent / Insurance Company has agreed to deposit the enhanced compensation of Rs.1,00,000/- (Rupees One Lakh only) within four weeks from the date of receipt of copy of this award.

5. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the 2nd Respondent / Insurance company shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) towards full and final quit of the claim over and above the amount awarded by the Tribunal. Admittedly, the appellant has withdrawn the amount deposited by the Insurance Company before the Trial Court. The Insurance Company shall deposit the enhanced compensation within four weeks from the date of receipt of copy of this award.

6. On deposit of the enhanced compensation, the appellant is permitted to withdraw the said amount immediately without filing any formal petition. Award is passed accordingly. No order as to costs.

7. The Tribunal is directed to issue the amount through cheque / RTGS 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.

Sd/-
K.Dasaratha Raju

Sd/-
Counsel for the Appellant

Sd/-
2.M/s.Oriental Insurance Company Ltd.,
Rosy Tower, II Floor
No.7, Nungambakkam High Road
Chennai- 600 034.

Sd/-
Counsel for the Respondents

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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

1. The V Court of Small Causes,
Motor Accidents Claims Tribunal, Chennai.
2. The Secretary,
High Court Legal Services Committee, Chennai.

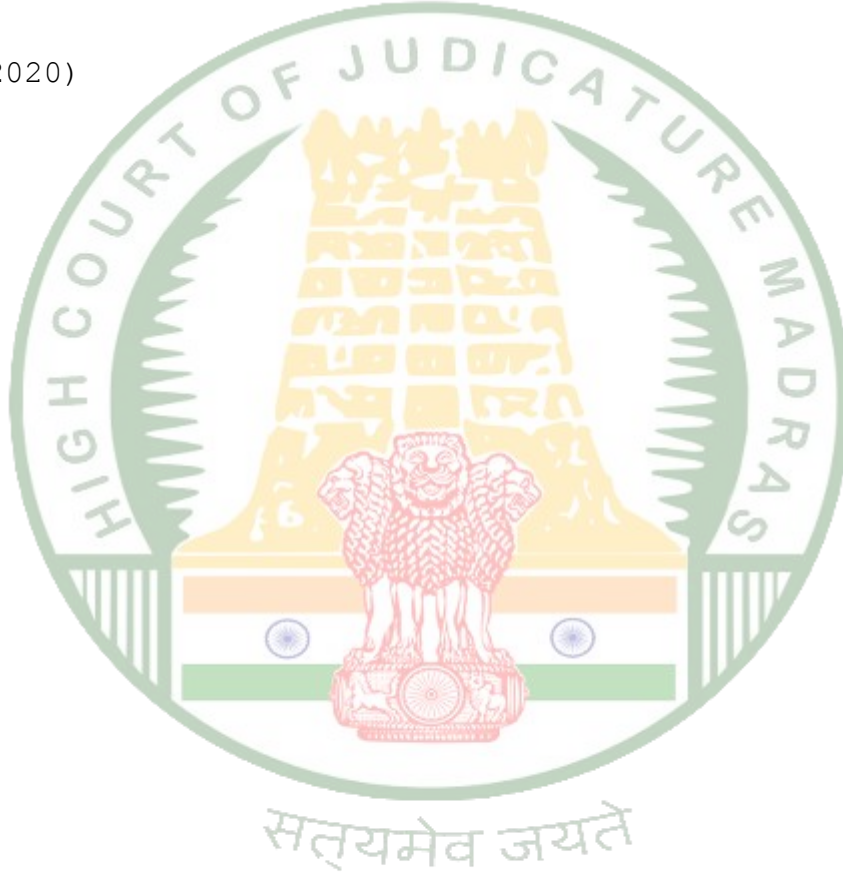
3.The Section Officer,
V.R.Section, High Court, Madras.

4.The Section Officer,
Lok Adalat Section,
High Court, Madras.(+2 copies)

5.The Registrar, Court of Small Causes,
High Court, Madras.

CMA.No.2328 of 2009

GJ(CO)
CB(17/02/2020)



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