

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th February 2020

NATIONAL 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

Mr.N.Mohandoss, District Judge (Retd)

Mr.Karthick Ranganathan

C.M.A.NO.2211 OF 2019

(Appeal against the judgment and decree passed on 04.07.2018 made in MCOP.No.4962 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.2 to deal with MCOP cases, Small Causes Court, Chennai)

The Oriental Insurance Company Ltd

Motor III Party Claims Office,

No.115, Pragasam Salai

Broadway, Chennai-108.

.. Appellant

/versus/

1.Kalaivani

2.Periyasamy

3.Haridoss

(R3 was set exparte before the Tribunal)

.. Respondents

This case is not listed today. At request, the matter is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.R.Sivakumar, learned counsel for appellant/Insurance Company and Mr.K.Sivakumar, learned counsel for the respondents/claimants 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.9,30,000/- with interest at the rate of 7.5% per annum as compensation to the respondents/claimants. Challenging the same, the appellant/Insurance Company has preferred this appeal.

2.It is submitted by the learned counsel for the Appellant/Insurance Company that the appellant/Insurance Company has already deposited the entire compensation amount along with interest. After due deliberation and consultation, both the parties have mutually agreed to reduce the award amount to the effect that the appellant/Insurance Company shall be permitted to withdraw a sum of Rs.1,50,000/- without interest and the balance amount lying

C.SARAVANAN, J.

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in the deposit along with accrued interest shall be permitted to be withdrawn by the respondents 1 & 2/claimants 1 & 2. The award of the Tribunal is modified accordingly.

3.The Tribunal shall transfer the above said modified compensation amount as per the ratio of apportionment made by it, to the respective savings bank accounts of the respondents/claimants 1 and 2 through RTGS forthwith, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition. The appellant/Insurance Company is also permitted to withdraw Rs.1,50,000/- from the deposited amount, as per this settlement order. Liberty given by the Tribunal to the appellant to recover the compensation amount from the 3rd respondent owner of the vehicle remains unaltered by this settlement.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of. Consequently, connected civil miscellaneous petition, if any, is closed.

The Oriental Insurance Company Ltd
Motor III Party Claims Office,
Broadway, Chennai-108.

Counsel for the Appellant

1.Kalaivani

2.Periyasamy

Counsel for the respondents 1 and 2

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.

Judge

Member

Member

To:The parties/Advocate concerned. Copy to:

1.The MACT, Special Sub Court.No.2, 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



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