

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 28th day of February 2020

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

Member:

Mrs.M.Rajalakshmi, District Judge (Retd.,)

CMA.No.610 of 2018
and
CMP No.5365 of 2018

Appeal against the Judgment and decree dated 09.06.2017 made in
MCOP No.5 of 2015 on the file of the Motor Accident Claims Tribunal
(Additional District Court and Special Court), Salem.

Shriram General Insurance Co. Ltd.,
1st Floor Portion, No.5-F, Sachin Plaza,
Reddiyur Block No.1, Sriram Nagar,
Alagapuram, Salem - 636 016. ... Appellant /2nd Respondent

Vs.

1. Rani
Muthusamy (died)
2. Revathi
3. Mekala ... Respondents 1 to 3/Claimants
4. Manikandan ... 4th Respondent/1st Respondent

This case has been listed today and came up for settlement
before the Lok Adalat. M/s.Dhakshnamoorthy, learned counsel for the
Appellant assisted by Ms.Anbin Vinnarasi, Legal Executive of Shriram
General Insurance Co. Ltd., and Mr.C.Natarajan, learned counsel for
the respondents 1 to 3 and the respondents 1 to 3 are present.
Fourth respondent remained ex parte before this Lok Adalat.

The appeal in CMA.No.610 of 2018 pending on the file of High
Court, Madras and preferred against the award passed in MCOP No.5 of
2015 on the file of the Motor Accident Claims Tribunal (Additional
District Court and Special Court), Salem, has been referred to Lok
Adalat for conciliation today. 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 second respondent - Insurance Company in MCOP No.5 of 2015 on the file of Additional District and Special Court, Salem, suffered an award of Rs.10,07,000/- with interest thereon, when the legal heirs of deceased Manikandan lodged a claim for Rs.25,00,000/-. Aggrieved by the order of compensation, Insurance Company preferred this Appeal.

2. At the time of admission of the Appeal, as represented, while obtaining stay, as per the order of the Hon'ble High Court, a sum of Rs.6,15,363/- (Rupees Six Lakhs Fifteen Thousand Three Hundred and Sixty Three only) was deposited, in addition to the mandatory deposit of Rs.25,000/- (Rupees Twenty Five Thousand) at the time of filing of the Appeal, thereby totalling a sum of Rs.6,40,363/- (Rupees Six Lakhs Forty Thousand Three Hundred and Sixty Three only).

3. When the matter is pending, the parties have decided to settle the matter, resulting a compromise, under which the Insurance Company had agreed to pay a further sum of Rs.5,00,000/- (Rupees Five Lakhs only) in addition to the already deposited amount, namely Rs.6,40,363/- (Rupees Six Lakhs Forty Thousand Three Hundred and Sixty Three only), thereby totalling an award of Rs.11,40,363/- (Rupees Eleven Lakhs Forty Thousand Three Hundred and Sixty Three only), which includes the additional amount agreed, namely Rs.5,00,000/- (Rupees Five Lakhs only) and already amount deposited, namely, Rs.6,40,363/- (Rupees Six Lakhs Forty Thousand Three Hundred and Sixty Three only) in full quit. It is agreed if the amount already deposited as per the order of the High Court or by way of mandatory deposit or deposited in bank account, the interest accrued thereon shall be paid to the claimants in addition to the above amount.

4. Out of the above said amount, second and third respondents/third and fourth claimants, namely, Revathi and Mekala are each entitled to withdraw Rs.2,50,000/- (Rupees Two lakhs and Fifty Thousand only) without any interest. The first respondent, viz., Rani is entitled to withdraw the remaining amount of Rs.6,40,363/- (Rupees Six Lakhs Forty Thousand Three Hundred and Sixty Three only) with interest accrued thereon.

5. 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.

Sd/-

Shriram General Insurance Co. Ltd.,
1st Floor Portion, No.5-F, Sachin Plaza,
Reddiyur Block No.1, Sriram Nagar,
Alagapuram, Salem - 636 016.

Sd/-

Counsel for the Appellant

- Sd/-
1. Rani

Sd/-
2. Revathi

Sd/-
3. Mekala

Sd/-
Counsel for the Respondents 1 to 3

6. 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.

7. This Lok Adalat Award is passed accordingly and the Civil Miscellaneous Appeal is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:
The parties/Advocate concerned

Copy to:

- 1.The Additional District Judge and Special Judge, Motor Accident Claims Tribunal, Salem.
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.

CMA.No.610 of 2018
and
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SSI (CO)
CB(17/08/2020)