

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 24th 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 N.AUTHINATHAN (Retd.)

and

Member:-

M.Sambasivam (District Judge, (Retd.,))

CMA.No.1280 of 2014
and
Cross Obj. No.73 of 2014

Appeal against the Judgment and decree dated 29.10.2013 made
in M.C.O.P.No.5135 of 2011 on the file of the Motor Accidents
Claims Tribunal, V Court of Small Causes, Chennai.

The Oriental Insurance Company Limited
No.115/216, Prakasham Salai
Chennai - 108.

... Appellant/first Respondent
in Cross Objection

Vs.

1. Muthu Subramaniyan Gurukkal ...first Respondent/Cross
Objector

2. P.Shyamala Devi ...second Respondent/second
Respondent in Cross Objection

This case has been listed today and came up for settlement
before the Lok Adalat. Learned counsel for the Appellant
M/s.D.Bhaskaran assisted by Mr.S.Balakrishnan, Manager and
Mrs.N.Umamaheswari, Deputy Manager of M/s.Oriental Insurance
Company Limited and M/s.M.Malar, learned counsel for the first
Respondent and the first respondent are present. Second
respondent remained exparte.

The appeal in CMA.No.1280 of 2014 pending on the file of
High Court, Madras and preferred against the award passed in
MCOP.No. 5135 of 2011 on the file of the Motor Accidents Claims
Tribunal, V Court of Small Causes, Chennai, 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

This is a case of Motor Accident causing injury to the first respondent herein. The Tribunal has awarded a sum of Rs.1,84,200/- (Rupees One Lakh Eighty Four Thousand and Two Hundred only) as compensation along with interest at 7.5% per annum from the date of numbering the claim petition ie., 01.12.2011 till the date of deposit along with proportionate cost.

ii) After due deliberation and discussion, both the parties have compromised the disputed claim at Rs.1,00,000/- (Rupees One lakh only) with interest at 7.5% per annum from the date of numbering the claim petition ie., 01.12.2011 till the date of deposit. The appellant/Insurance Company has agreed to deposit the above compensation of Rs.1,00,000/- (Rupees One lakh only) with interest at 7.5%, after deducting the amount already deposited before the Tribunal, within six weeks from the date of receipt of copy of this award.

-s/d-

The Oriental Insurance Company Limited
No.115/216, Prakasham Salai
Chennai - 108.

-s/d-

Counsel for Appellant

-s/d-

Mrs. Jayalakshmi for
Muthu Subramaniam Gurukkal

-s/d-

Counsel for first Respondent/
Cross Objector

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2. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / Insurance company shall pay a sum of Rs.1,00,000/- (Rupees One lakh only) with interest at 7.5% per annum from the date of numbering the claim petition ie., 15.11.2011 till the date of deposit, after deducting the amount already deposited before the Tribunal, within six weeks from the date of receipt of copy of this award.

3. The learned counsel filed a memo to the effect that the first respondent/Cross Objector is bedridden and he is unable to move anywhere and hence, his wife Mrs.Jayalakshmi may be permitted to sign the terms of settlement on behalf of the first respondent. The memo is recorded and she is permitted to sign the terms of settlement.

4. 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.

5. 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.

6. Award is passed accordingly and the Civil Miscellaneous Appeal and Cross Objection are disposed of. No order as to costs.

-s/d-
Judge

-s/d-
Member

Sd/-
Asst.Registrar

/true copy/

Sub Asst. 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

CMA.No.1280 of 2014
and

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aa16/12/2020