

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 13th day of March 2020

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Member:

Mr.P.Ramalingam, District Judge (Retd.,)

CMA.No.4376 of 2019
and
CMP No.24907 of 2019

Appeal against the Judgment and decree dated 12.04.2019 made
in MCOP No.6474 of 2016 on the file of the Motor Accident Claims
Tribunal (III Court of Small Causes), Chennai.

M/s.Royal Sundaram Alliance Insurance Co. Ltd.,
No.2, Club House Road
2nd Floor, Anna Salai,
Chennai - 600 002.

... Appellant /2nd Respondent

Vs.

1.D.Sivagami
2.P.Bhavani
3.R.Rajesh Kumar

...Respondents 1&2/Petitioner
...3rd Respondent/1st Respondent

This case has been listed today and came up for settlement
before the Lok Adalat. Mr.A.Jeganathan, learned counsel
appearing on behalf of M/s.M.B.Gopalan Associates for the
Appellant assisted by Mr.Purshottam Singhal (Manager-Legal) of
Insurance Company, and Mr.V.Mohan Choudary and Mrs.M.Chitra,
learned counsel for the respondents 1 and 2 along with
respondents 1 and 2 are present. Third respondent remained
exparte before this Lok Adalat.

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TERMS OF SETTLEMENT

The appeal in CMA.No.4376 of 2019 pending on the file of High Court, Madras and preferred against the award passed in MCOP No.6474 of 2016 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai, has been referred to Lok Adalat for conciliation today.

2. The respondents 1 and 2, who are petitioners 1 and 2 before the Tribunal assisted by the counsel and the appellant/Insurance Company, who is the second respondent before the Tribunal, assisted by the counsel and represented by its Manager-Legal Mr.Purshottam Singhal are present before the Lok Adalat for conciliation today.

3. This is a case of fatal accident. The Tribunal has awarded a sum of Rs.25,10,000/- (Rupees Twenty Five Lakhs and Ten Thousand only) along with interest at 7.5% p.a from the date of numbering the petition till the deposit of the amount before the competent Court. Admittedly, a sum of Rs.15,78,577/- (Rupees Fifteen Lakhs and Seventy Eight Thousand Five Hundred and Seventy Seven only) has already been deposited towards 50% of the award amount with proportionate interest and proportionate cost. After great deliberation and discussion, both parties have compromised the disputed claim at Rs.18,00,000/- (Rupees Eighteen Lakhs only) with interest at 7.5% p.a from the date of numbering the petition till the date of deposit of the compromised amount. The appellant/Insurance Company has agreed to deposit the balance amount within six weeks from the date of receipt of a copy of this award.

4. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declares and decrees that the appellant/Insurance Company shall pay a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) with interest at 7.5% p.a from the date of numbering the petition till the date of deposit towards full quit of the claim to the respondents 1 and 2 before the Tribunal. Since the Insurance Company has already deposited a sum of Rs.15,78,577/- (Rupees Fifteen Lakhs and Seventy Eight Thousand Five Hundred and Seventy Seven only) before the Competent Court, the Lok Adalat hereby directs the appellant/Insurance Company to pay the balance amount within six weeks from the date of receipt of copy of this award. After deposit of the entire compromised amount before the competent Court, respondents 1 and 2, who are petitioners 1 and 2 before the Tribunal, shall share the compromised amount at Rs.15,00,000/- (Rupees Fifteen Lakhs only) with interest and Rs.3,00,000/- (Rupees Three Lakhs only) with interest and

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withdraw the above said consolidated amount immediately without filing any formal petition.

5. The Tribunal is directed to issue the amount through cheque / RTGS to the claimant concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

Sd/-

M/s.Royal Sundaram Alliance Insurance Co. Ltd.,
No.2, Club House Road
2nd Floor, Anna Salai,
Chennai - 600 002.

Sd/-

Counsel for the Appellant

1.D.Sivagami Sd/-

Sd/-

2.P.Bhavani Sd/-

Counsel for the Respondents 1 and 2

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 order as to costs.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

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Copy to:

- 1.The III Judge, Court of Small Causes,
Motor Accident 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.4376 of 2019

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