

In the High Court of Judicature at Madras

Dated: 07.01.2021

Coram

The Honourable Mr. Justice D.KRISHNA KUMAR

C.M.A.No.1493 of 2010

& M.P.No.1 of 2010

and

M.P.No.1 of 2014

in

Cross Objection SR No. 81547 of 2014

United India Insurance Co. Ltd.,
No.38, Anna Salai,
Chennai-2.

... Appellant in CMA.1493/2010 &
R1 in M.P.No.1/2014 in Cross
Obj.SR.81547/2014

..Vs..

1.Sheena Amoos

... R1 in CMA.1493/2010 &
Cross Objector in M.P.No.1/2014
Cross Obj.SR.81547/2014

in

2.Kamalam

... Respondents in both Appeal & Cross Objection

3.K.Vanithalakshmi

... Respondents in both Appeal & Cross Objection

Prayer in CMA.1493 of 2010: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree passed by the learned Additional District and Sessions Judge (FTC-2), (MACT), Poonamallee in M.C.O.P.No.15 of 2004 dated 03.04.2009.

Prayer in M.P.No.1/2014 in Cross Obj.SR.81547/2014 : This Petition is filed under Section 5 of the Limitation Act praying to condone the delay of 1086 days in filing the Cross Objection SR.No.81547 of 2014.

Cross Objection Sr.No.81547/2014 : Cross Objection filed under order 41 rule 22 of Civil Procedure Code against the judgment and decree 03/04/2009 made in MCOP No.15/2004 on the file of the Additional District and Sessions Judge (Fast Track Court 11) at Poonamallee.

For Insurance Company : Mr.S.Arun Kumar
For Respondent-1/Claimant : Mr.U.M.Ravichandran
For Respondent-2 & 3 : No Appearance

J U D G M E N T

Being aggrieved by the award passed by the Motor Accident Claims Tribunal / learned Additional District and Sessions Judge (FTC-2), (MACT), Poonamallee in M.C.O.P.No.15 of 2004 dated 03.04.2009, both the Insurance Company as well as the claimant has preferred an appeal and Cross Objection (SR Stage) respectively.

2. Heard Mr.S.Arun Kumar, learned counsel appearing on behalf of the Insurance Company and Mr.U.M.Ravichandran, learned counsel for the claimant.

3. When the matter is taken up for hearing today, both the learned counsel for the parties made a submission before this Court that the appeal and the cross objection (SR stage) was referred to the Lok Adalat for arriving at an amicable settlement. In the Lok Adalat, having agreed to the compensation amount awarded by the Tribunal, a settlement was arrived between the parties and hence, the order was passed by the Lok Adalat on 09.09.2017 with the direction to the Insurance company to deposit the balance amount within a period of 6 weeks from the date of receipt of the copy of the order and also the parties are advised to withdraw their respective cases. Having agreed to the settlement arrived at and after passing of the order at the Lok Adalat, due to some difference of opinion, the respondent/claimant had not signed in the order passed by the Lok Adalat. Therefore, the matter was placed before the regular Court for final hearing.

4. According to the learned counsel for the appellant/Insurance Company, the terms of settlement arrived at the Lok Adalat was agreed by the respondent claimant but the dispute is only with regard to the rate of interest awarded in the Lok Adalat. He submitted that the claimant requires the interest to be calculated at the rate of 9% per annum instead of 7.5% p.a. as awarded by the Lok Adalat. The learned counsel for the Insurance Company further submitted that the Insurance Company had agreed to pay the interest at the rate of 9% per annum for the above said compensation amount of Rs.5,62,640/-.

5. Recording the submissions made by the learned counsel for the parties, the rate of interest awarded by the Tribunal

is modified from 7.5% p.a. to 9% p.a. The appellant/Insurance company is directed to pay the interest at the rate of 9% per annum from the date of filing of the petition till the date of realization towards the above said compensation amount of Rs.5,62,640/-. It is also brought to the notice of this Court that 50% of the compensation amount has been deposited by the Insurance Company and the same was withdrawn by the claimant. Therefore, the Insurance Company is hereby directed to deposit the balance amount of the award amount along with appropriate interest before the Tribunal within a period of 12 weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is entitled to withdraw the balance award amount on filing of appropriate petition before the court concerned.

6. The Civil Miscellaneous Appeal is disposed of to the above extent. The Cross Objection (SR Stage) filed by the claimant along with condone delay petition is closed. Consequently, connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

DP

To

1.The Additional District & Sessions Judge (FTC-2),
(The Motor Accident Claims Tribunal),
Poonamallee.

2.The Record Keeper,
V.R. Section,
High Court, Madras. + 2 Copies

+1cc to Mr.S.Arun Kumar, Advocate SR.No.1307

C.M.A.No.1493 of 2010
& M.P.No.1 of 2010

and

M.P.No.1 of 2014
in

Cross Objection SR No. 81547 of 2014

GP (CO)
GMY (28/04/2021)