



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services
Committee

Saturday, the 11th day of December, 2021

LOK ADALAT AWARD

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

Presided over by

The Honourable Mr.Justice M.Thanikachalam (Retd.)

and

Members:

Mr.S.Sambandham, District Judge (Retd.)

Mr.M.Nallathambi, Advocate

CMA No.2526 of 2021 and

CMA No.SR79338 of 2021

(Appeal against the judgment and decree passed by the Motor
Accidents Claims Tribunal, (VI Court of Small Causes) Chennai in
M.C.O.P.No.2160 of 2015 dated 20.07.2020.

M/s.IFFCO-TOKIO General
Insurance Company Limited,
'IFFCO Bhavan', IV floor,
No.128, Habibullah Road,
T.Nagar,
Chennai – 600 019.

... Appellant in CMA No.2526 of
2021 and 2nd Respondent in CMA
No.SR79338 of 2021

/versus/

1. E.Kanniyappan

... Appellant in CMA No.SR79338 of
2021 and 1st Respondent in CMA
No.2526 of 2021



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2. J.Sudhakar

... 1st Respondent in CMA No. SR79338 of 2021 and 2nd Respondent in CMA No.2526 of 2021

Both the parties are present. Mr.J.Michael Visuvasam, learned counsel for the Insurance Company and Mr.Amar.D.Pandiya, learned counsel for the 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 above Civil Miscellaneous Appeals are filed, challenging the award passed in M.C.O.P.No.2160 of 2015 by the Motor Accidents Claims Tribunal Motor Accidents Claims Tribunal, (VI Court of Small Causes) Chennai.

2. The claimant by name E.Kanniyappan, who sustained injuries in a road accident has filed a claim for a sum of Rs.5 lakhs restricting the claim though valued at Rs.8,90,000/-.

3. After trial, the Tribunal awarded a sum of Rs.5,14,100/- which not only caused grievance to the claimant but also to the Insurance Company, resulting the appeal and cross appeal.

4. CMA No.2526 of 2021 is an appeal preferred by the Insurance Company and CMA No.SR79338 of 2021 is the appeal yet to be numbered, preferred by the claimant for enhancement of amount.



5. Both the cases when came before this forum for settlement, it was represented by the learned counsel for the parties appearing as well as the Insurance Company represented by G.Baby, Legal Executive that the CMA No.2526 of 2021 is settled for a sum of Rs.5,25,000 in full quit. While admitting the appeal, there was a deposit of a sum of Rs.25,000/- and while obtaining stay, there was some more deposit which comes totally an amount of Rs.3,88,799/-. From the above said amount including accrued interest, the claimant is entitled to withdraw the deposited amount and the balance amount of Rs.1,36,204/- within a period of four weeks from the date of a copy of this order. The order of the trial forum is confirmed otherwise.

6. In view of the settlement, the survival of other CMA in CMA.NoSR79338 of 2021 does not arise. Hence, the CMA in SR stage is rejected. Consequently, the connected MP, if any, is closed.

M/s.IFFCO-TOKIO General
Insurance Company Limited,
'IFFCO Bhavan', IV floor,
No.128, Habibullah Road,
T.Nagar,
Chennai – 600 019.

Counsel for the Insurance Company

1. E.Kanniyappan

Counsel for the Claimants

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 Motor Accidents Claims Tribunal, ((VI Court of Small Causes) 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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M.Thanikachalam, J (Retd.)

vum

CMA No.2526 of 2021 and
CMA No.SR79338 of 2021

11.12.2021



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