

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services
Committee

Friday, the 16th day of April 2021

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.R.Paranjothi

C.M.A.No.3070 of 2017

(Appeal against the judgment and decree dated 21.10.2016
made in M.C.O.P.No.2852 of 2008 on the file of the Motor
Accidents Claims Tribunal, Chief Judge Court, Chennai)

- 1.Mrs.K.Mallikavathy
- 2.A.Nagarajan
- 3.Prithivirajan

.. Appellants/ Petitioners
Vs.

- 1.N.Santhameena
- 2.Bajaj Alliance General Insurance Company Limited
Flat No.F2, Ground Floor, No.30 MC Road,
Sastri Nagar, Thiruvannamipur, Chennai - 41.

.. Respondents / Respondents

This case came up for settlement before the Lok Adalat.
Both parties are present. Mr.T.G.Balachandran, Counsel for
the appellants and Mr.R.V.Sivaraj, Counsel for the second
respondent 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 appeal in C.M.A.No.3070 of 2017 pending on
the file of the Hon'ble High Court of Judicature, Madras and
preferred against the award passed in MCOP.No.2852 of 2008 on
the file of the Chief Judge, Small Cause Court, Chennai has
been referred to Lok Adalat for conciliation today.

2. The Appellants 1 to 3 who are the petitioners
before the Trial Court assisted by counsel and second
respondent Bajaj Alliance Insurance Company Limited, Sastri
Nagar, Thiruvannamipur, Chennai - 41 represented by Senior
Executive, viz., Mohammed Bilal Ali present before the Lok
Adalat today for conciliation.

3. This is the case of fatal accident. The Lower Court has awarded a sum of Rs.3,24,028/- along with interest and costs.

4. After great deliberation and discussion, both parties have compromised the disputed claim at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in addition to the award already passed by the Tribunal towards full quit of the claim. Admittedly the Insurance Company has deposited the awarded amount by the Tribunal before the Competent court.

5. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the second respondent/ Bajaji Alliance Insurance Company Limited shall deposit a sum of Rs.1,50,000/- in addition to the awarded amount already deposited before the Competent Court within four weeks from the date of receipt of a copy of this order.

6. The appellants 1 to 3 / petitioners shall receive the enhanced compensation of Rs.1,50,000/- proportionately as apportioned already between them with regard to the amount awarded by the Tribunal. The appellants / petitioners are entitled to withdraw their shares immediately on deposit of the amount without filing any formal petition.

7. The Tribunal is directed to transfer the amount through RTGS/NEFT to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. The connected miscellaneous petition is closed if any.

Sd/-

1. Mrs.K.Mallikavathy

Sd/-

2.A.Nagarajan

Sd/-

3.Prithivirajan

Sd/-

Counsel for the Appellants

Sd/-

Bajaj Alliance General Insurance Company Limited
Flat No.F2, Ground Floor, No.30 MC Road,
Sastri Nagar, Thiruvannamipur, Chennai - 41.

Sd/-

Counsel for the 2nd Respondent

This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the appellant in the manner provided under 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.

Sd/-
Sd/- Judge
Member

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Chief Judge Court, 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

adl

A.SK(28.04.2021)

CMA.No.3070 of 2017

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