

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat – II organised by the High Court Legal Services committee
Wednesday, the 8th day of September 2021

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE M.Thanikachalam (Retd)

Member

Mr.M.Sambasivam, District Judge, Retd

C.M.A.No.2447 of 2018

Appeal against the decree and judgment dated 26.07.2018 made
in M.C.O.P.No.404 of 2016 on the file of the Motor Accident Claims
Tribunal, II Additional District and Sessions Court, Ranipet, Vellore
District.

1.Padmu
2.Bharathi

.. Appellants

Vs.

1. S.Moorthy
(1st respondent set ex-parte
before the Tribunal)

2. Bajaj Allianz General Insurance Company Ltd.,
No.497/498, 5th floor, Isana Kattima Building,
Poonamallee High Road,
Arumbakkam, Chennai – 106.

.. Respondents

This case came up for settlement before the Lok Adalat. Both
parties are present. Mr.S.Sivakumar, learned counsel for the

appellants and Mr.R.V.Sivaraj, learned counsel for the second respondent is 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 Tribunal in MCOP.No.404 of 2016 after hearing the parties, analysing the materials, came to the conclusion that the claimants/appellants are entitled only the compensation of Rs.2,08,000/-, though the appellants have claimed Rs.15,00,000/- as compensation.

2. Aggrieved by the award of the Trial Court, the Claimants restricting the enhancement of compensation at Rs.3,00,000/- filed this appeal and when the appeal is pending the parties have negotiated the matter between themselves and as per joint memo filed they have reached the enhancement of compensation of Rs.4,00,000/- in full quit over and above the compensation amount awarded namely Rs.2,08,000/-. The parties are present represented by their respective counsels, agreed the terms of the compromise wherein they have signed in the joint memo requested to pass appropriate orders and accordingly the award of the Trial Court is modified.

3. The 2nd respondent / Insurance company is directed to pay an

additional compensation of Rs.4,00,000/- over and above the award



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amount already ordered and the parties are directed to apportionment the amount equally.

4. The 2nd respondent / Insurance company is directed to deposit the enhancement amount of Rs.4,00,000/- within a period of three weeks from the date of receipt of copy of this order and the parties are entitled to withdraw the compensation as above. Award is modified accordingly.

5. 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.

1.A.Padmu

2.Bharathi

Counsel for the Appellants

Bajaj Allianz General Insurance Company Ltd.,
No.497/498, 5th floor, Isana Kattima Building,
Poonamallee High Road,
Arumbakkam, Chennai – 106.

Counsel for the Respondent

This Lok Adalat award is passed in terms of the above

settlement.



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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 2 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal,
II Additional District and Sessions Court,
Ranipet, Vellore District.
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)

drl



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2018

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