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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 9th day of December 2022

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by
The Hon'ble Mr.JUSTICE R.KARUPPIAH (Retd)
and

Member
Mr. S.Manoharan, District Judge (Retd)

C.M.A.Nos.3080 of 2021 & 142 of 2022
and CMP.No.1076 of 2022

These Civil Miscellaneous Appeals have been filed against the Judgment and Decree in M.C.O.P. No.68 of 2018 dated 04.09.2021 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Cuddalore.

- 1.Vanitha
- 2.Baskar
- 3.Kalaiselvi
- 4.Padmavathi

..Appellants in CMA.No.3080 / 2021
and Respondents in
CMA.No.142 of 2022

Vs.

1. Balamurugan
2. The Divisional Manager,
New India Assurance Company Limited,
No.1, Bharathi Road,
Arcot Woodlands Building Campus,
Cuddalore – 607 001.
(Respondent 1 remained ex-parte
before the Tribunal)

.. Respondents in CMA.No.3080/21
and Appellant in CMA.142 of 2022

This case came up for settlement before the Lok Adalat. Both the parties are present. M/s.Ramya V.Rao, learned Advocate for the Appellants in



CMA.No.3080 of 2021 and Respondents in CMA.No.142 of 2022 Mr. K.Vinod, learned Advocate for the second Respondent in CMA.No.3080 of 2021 and Appellants in CMA.No.142 of 2022 and Mr.S.Prabakaran, Manager – Legal for New India Assurance Company Limited, 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 Tribunal has awarded a sum of Rs.13,71,160/- with interest at 7.5% per annum from the date of petition till the date of deposit and costs as compensation.

2. Aggrieved by the award of the Tribunal, the Insurance Company as well as the claimants had filed these appeals one for reducing the claim amount and the other for enhancing the claim amount.

3. After due deliberation and consultation, both the parties have agreed to enhanced the award to a sum of Rs.18,46,160/- (Rupees Eighteen Lakhs Forty Six Thousand One Hundred and Sixty only) along with interest at 7.5% per annum from the date of petition till 26.11.2021.

4. The Insurance Company is directed to deposit the above said enhanced award amount along with interest, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this order.

5. On such deposit, the claimants are entitled to withdraw their respective share as per the apportionment fixed by the Tribunal without filing any formal petition. The Award is passed accordingly.



6. In view of the settlement arrived at between both the parties, the appeal in CMA No.142 of 2022 is dismissed and the appeal in C.M.A..No.3080 of 2021 is disposed of. Consequently, connected Miscellaneous Petition is closed. Award is passed accordingly.

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.

7. The Civil Miscellaneous Appeal is disposed of accordingly.

1.Vanitha

2.Baskar

3.Kalaiselvi

4.Padmavathi

Counsel for the Appellants

The Divisional Manager,
New India Assurance Company Limited,
No.1, Bharathi Road,
Arcot Woodlands Building Campus,
Cuddalore – 607 001.

Counsel for the Respondent



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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 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,
Chief Judicial Magistrate, Cuddalore.
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

C.M.A.Nos.3080 of 2021 & 142 of 2022

09.12.2022