

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

LOK ADALAT-I ORGANISED BY THE HIGH COURT
LEGAL SERVICES COMMITTEE

TUESDAY THE 21ST DAY OF JUNE 2022

LOK ADALAT AWARD

(CHAPTER VI AND U/S 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987)

PRESIDED OVER BY

THE HON'BLE MR.JUSTICE J.A.K.SAMPATHKUMAR (RETD.)
AND

MEMBER

MR.P.ROSIAH

C.M.A.NO.2422 OF 2018

AND

C.M.P.NO.18457 OF 2018

PRAYER:-

Appeal against the judgment and decree dated 13.03.2018 made in M.C.O.P.No.757 of 2011 on the file of the Motor Accidents Claims Tribunal (I Additional Sub Judge), Cuddalore.

The National Insurance Co. Ltd.,
No.165, Nethaji Road,
Manjakuppam,
Cuddalore.

... Appellant

.Vs.

1. Minor K.Sumaiya Parveen
Rep. by her Father as Guardian Kamaal

2. K.Pachaiyappan
set ex-parte before the Tribunal

... Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. Mr.R.V.Sivaraj for G.Anandan, learned counsel for the appellant and Mr.T.Arulmozhivarman for

M/s.Ramya V.Rao, counsel for the first 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

This appeal filed by the National Insurance Company Limited against the award passed by Motor Accidents Claims Tribunal, I Additional Sub Judge, Cuddalore.

2. Both parties are present and they have filed a Joint Memo of Compromise filed which reads as follows:-

" It is submitted that the above CMA was filed by the Insurance Company against the order of the Tribunal for Rs.3,08,324/- with 7.5% p.a. in M.C.O.P.No.757 of 2011. Now both the appellant and first respondent have agreed upon a sum of Rs.3,50,000/- in full quit. The appellant/ Insurance Company may be deposit the entire amount of Rs.3,50,000/- within four weeks. On such deposit the first respondent/claimant is permitted to withdraw the amount of Rs.3,50,000/-. Memo may be recorded and orders may be passed. The appellant is at liberty to recover the said amount from the second respondent/owner of the vehicle."

3. The aforesaid Compromise is recorded. The award is passed accordingly. Joint Memo of Compromise shall form part of this award.

4. The Tribunal is directed to transfer the amount through RTGS/NEFT to the party 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. Consequently connected Miscellaneous Petition is closed.

The National Insurance Co.Ltd.,
No.165, Nethaji Road,
Manjakuppam,
Cuddalore.

Counsel for the Appellant

1. Minor K.Sumaiya Parveen Counsel for the first respondent
Rep. by her Father as
Guardian Kamaal

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

* Xerox Copy of Joint Memo of Compromise is enclosed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy To:-

1. The Motor Accidents Claims Tribunal,
(I Additional Sub Judge),
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.NO.2422 OF 2018 AND
C.M.P.NO.18457 OF 2018

PL(CO)
PBS/14/07/2022