



CMA.No.156 of 2022

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 13th day of May 2023

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE K.KUMARESH BABU

and

Members

Mr.N.Balasubramanian, District Judge (Retired)

Mr.M.Muthukannan, Advocate

C.M.A.No.156 of 2022

and

C.M.P.No.1180 of 2022 & C.M.P.No.16287 of 2022

(Appeal against the judgment and decree passed on 14.06.2021 in M.C.O.P.No.374 of 2018 on the file of the Motor Accidents Claims Tribunal, (Special District Court) Krishnagiri.

The Branch Manager,
Shriram General Insurance Company Limited,
No.73, A/2 Pallikoodam Street,
Karukkinit Amarnthaval Koil Street,
Kanchipuram - 631 501.

... Appellant

Vs.

1.Stella
2.M.Balaraj
3.B.Prasanna Kumar
4.B.Anand Prakash
5.R.Shanthi Nirmala

... Respondents



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On representation of the counsel for both sides this case is taken up for settlement before the Lok Adalat. Both the parties are present. Mr.S.Dhakshanamoorthy, the learned counsel for the Appellant and Mr.P.M.Duraiswamy, the learned counsel for the respondents 1 to 4 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.62,48,000/- along with costs of Rs.1,31,372.50/- with interest at 7.5% per annum from the date of petition till the date of deposit and costs as compensation. Aggrieved by the award of the Tribunal, the appellant/Insurance Company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.39,00,000/- (Rupees Thirty Nine Lakhs Only) with interest at 7.5% per annum in full quit.

3. The claimants/respondents after due deliberation by the parties to settle the claim amount at Rs.39,00,000/- for which, the respondents/claimants would be entitled to withdraw the award amount with interest at 7.5% with costs as awarded by the Tribunal. The first respondent is entitled to withdraw 50% of the award amount, the second respondent is entitled to withdraw 25% of the award



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amount, the third and fourth respondents are entitled to withdraw 12.5% each of the award amount of Rs.39,00,000/- and interest.

4. The parties may file appropriate cheque petition before the Trial Court for withdrawal of the respective award amount. In all other aspects, the parties are agreed to abide by the award.

5. The appellant/Insurance Company has already deposited a sum of Rs.81,06,988/- before the Tribunal. The respondents/claimants are permitted to withdraw the modified award amount along with interest at the rate of 7.5% with costs as stated above. The balance of award amount deposited by the appellant/Insurance Company after payment to the respondents/claimants, is permitted to be refunded to the appellant/Insurance Company with accrued interest, if any.

6. 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 settled accordingly. The connected Civil Miscellaneous Petitions are also closed.



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... Counsel for Appellant

Vs.

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3.B.Prasanna Kumar
4.B.Anand Prakash

... Counsel for Respondents

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

arb/dna

To:The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal, (Special District Court, Krishnagiri.)
- 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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K.KUMARESH BABU.J.,

arb/dna

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13.05.2023