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

Saturday the 11th day of February 2023
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

THE HONOURABLE Mr.JUSTICE **MOHAMMED SHAFFIQ**
and

Members:

- 1.Mr.R.RAVINDRABOSE
- 2.Mr.C.SAMIVEL

C.M.A. No. 2052 of 2018
and
C.M.A. (SR) No. 54990 of 2014

C.M.A. No. 2052 of 2018 :-

Civil Miscellaneous Appeal is filed to allow this Appeal and enhance the amount awarded in M.C.O.P. No. 346 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Court, Ariyalur, dated 31.01.2014.

C.M.A. (SR) No. 54990 of 2014 :-

This Civil Miscellaneous Appeal has been filed under Section 173 (1) Motor Vehicles Act, praying against the award and decree dated 31.01.2014 made in M.C.O.P. No. 346 of 2009 on the file of MACT (Sub Court), Ariyalur.

R.Balaji

... Appellant in C.M.A. No. 2502 of 2018

Vs.

1. R.Baby



2. The National Insurance Company Ltd.
Grace Building, Kumaran Road
Tirupur.

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.. Respondents in C.M.A. No. 2502 of 2018

The National Insurance Company Ltd.
Grace Building, Kumaran Road
Tirupur.

.. Appellant in C.M.A. (SR) No. 54990 of 2014

Vs.

1. Balaji
2. Baby

...Respondents in C.M.A. (SR) No. 54990 of 2014

With the consent of both the parties, these cases are taken up for settlement before this Lok Adalat. Both the parties are present. Mr. P.Parthi Kannan, learned counsel for claimant and Mr. S.Arun Kumar, learned counsel for the insurance company 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

These above CMAs, one which is numbered as C.M.A. No. 2052 of 2018 the other one filed by the insurance company is at SR stage with the following C.M.A. (SR) No. 54990 of 2014, wherein the insurance company has raised the issue relating to the medical claim, while the Tribunal passed an award of



Rs.7,00,600/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization with proportionate costs. The insurance company has filed appeal questioning the amount awarded under medical expenses. The claimant have filed separate appeal seeking application of multiplier method and enhancement of compensation on other heads.

2. After due deliberation and consultation, both the parties have agreed to modify the award by grant a sum of Rs.6,75,000/- (Rupees Six Lakhs and Seventy Five Thousands Only) with 7.5% interest from the date of petition till the date of realization.

3. The insurance company is represented by Mr. K.Jeeva, Regional Manager, Coimbatore Region.

4. The Insurance Company has agreed to pay the said sum of Rs.6,75,000/- with 7.5% interest from the date of petition till the date of realization less the amount already deposited, if any. The Insurance Company is directed to deposit as directed above within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the said amount without filing any formal petition.



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5. The Tribunal is directed to issue the cheque to the party on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeals are disposed of accordingly.

R.Balaji

Counsel for Claimant

The National Insurance Company Ltd.
Grace Building, Kumaran Road
Tirupur.

Counsel for Second Respondent

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

To: The parties/Advocate concerned



Copy to:

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- 1.Motor Accident Claims Tribunal, Sub Court, Ariyalur.
- 3.The Secretary, High Court Legal Services Committee, Chennai.
- 4.The Section Officer, V.R.Section, High Court, Madras.
- 5.The Section Officer, Lok Adalat Section, High Court, Madras.+2 copies

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MOHAMMED SHAFFIQ., J

at/Maya

C.M.A. No. 2052 of 2018

and

C.M.A. (SR) No. 54990 of 2014

11.02.2023