



C.M.A.No.680 of 2022

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 12th day of August, 2023

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE P.B.BALAJI

and

Members

Mr.A.RATHINAVEL PANDIAN

Mr.K.V.MUTHU VISAKAN

C.M.A. No.680 of 2022

(This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgement made in M.C.O.P. No.898 of 2015, dated 29.09.2021, on the file of the Motor Accidents Claims Tribunal, 3rd Additional District Court, Dharapuram)

Liberty General Insurance Limited,
Branch Office,
574, Vayaluraan Towers,
D.B.Road, R.S. Puram Post,
Coimbatore - 641 002,
Coimbatore District.

...Appellant

Vs.

- 1.P.Duraisamy (Died)
- 2.D.Kalavathi
- 3.M.Syed Hussain
- 4.Hydar Ali
- 5.Sharmila

... Respondents

(R5 brought on record vide Court order dated 01.08.2023 made in CMP. Nos.18119, 18122 & 18127 of 2023)

On representation of counsel for both sides, this cases is taken up for settlement before the Lok Adalat. Both the parties are present. Mr.M.B.Raghavan, the learned counsel for the Appellant and Ms.B.Deepthika, the learned counsel for the fifth respondent/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

The appellant in C.M.A.No. No.680 of 2022 is the Insurance Company, and the husband and wife viz., P.Duraisamy and D.Kalavathi are the respondents 1 and 2. Pending CMA, the first respondent died and his daughter Sharmila was impleaded as fifth respondent. The entire award amount of Rs.27,00,033/- excluding corresponding TDS of Rs.1,86,633/-. In compliance with the interim conditional order passed by this Court on 24.03.2022, at the time of admission of CMA, granting stay. A sum of Rs.23,13,367/- shall be received by the parties in full quit, considering that a sum of Rs.27,00,033/- excluding corresponding TDS have already been deposited.

2. This Court issues the following directions:

(i) The respondents 2 & 5 shall be entitled to withdraw/payment out a sum of Rs.23,13,367/- in full and final settlement and satisfaction of the claim in the MCOP.

(ii) The TDS deposited by the appellant company, a sum of Rs.1,86,633/- shall be claimed by the respondents 2 and 5 before the Income Tax Department. The appellant shall cooperate with the respondents 2 and 5 to enable the TDS amount of Rs.1,86,633/- being refunded to the respondents 2 and 5. The excess amount of Rs.3,86,666/- deposited by the appellant company shall ensure only to the appellant Insurance Company.

(iii) The interest accrued on the amounts deposited by the appellant



shall ensure to the accounts of the respondents 2 and 5.

(iv) In so far as the balance 50% payable to the respondents 2 and 5, the said amount shall carry interest at 7.5% per annum from the date of filing of MCOP till the date of deposit.

(v) Out of the award amount of Rs.23,13,367/-, the 2nd respondent shall be entitled to Rs.18,00,000/- and the 5th respondent shall be entitled to the remaining Rs.5,13,367/-.

(vi) Appellant as well as the respondents 2 and 5 would be entitled to their respective entitlements on their filing formal payment out applications without being insisted upon to file permission petitions.

3. In view of the settlement reached today, the above Civil Miscellaneous Appeal is disposed as settled.

Liberty General Insurance Limited,
Branch Office,
574, Vayaluraan Towers,
D.B.Road, R.S. Puram Post,
Coimbatore - 641 002,
Coimbatore District.

Counsel for Appellant

D.Kalavathi
2nd Respondent

Sharmila
5th Respondent

Counsel for Respondents 2 & 5



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This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the parties in the manner provided under 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:

1. The Motor Accidents Claims Tribunal, 3rd Additional District Court, Dharapuram
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.



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P.B.BALAJI, J.

rkp/rpl

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12.08.2023