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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 11th day of February 2023

NATIONAL LOK ADALAT

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by
The Hon'ble Mrs.JUSTICE T.V.THAMILSELVI
and

Members

1. Mr. P.Rosiah, District Judge (Retd), Member
2. Mrs.A.Veeramarthini, Member

C.M.A.No.2898 of 2022

This Civil Miscellaneous Appeal has been filed against the Award in
M.C.O.P. No.3831 of 2015 dated 05.09.2022 on the file of the Motor
Accidents Claims Tribunal/1st Addl. Sub-Court, Cuddalore.

J.Sivam

.. Appellant

Vs.

1. A.Nitheshkumar

2. The Divisional Engineer,
New India Assurance Co. Ltd.,
Divisional Office, No.30, J.N. Street,
Puducherry-605 001.

(1st Respondent remained ex-parte
before the Tribunal)

.. Respondents

This case came up for settlement before the National Lok Adalat. Both
the parties are present. Ms. Ramya V. Rao, learned counsel for the
Appellant, Mr.T.Jayaraman, learned Advocate for the 2nd respondent New
India Assurance Co. 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.19,48,377/- with interest at 7.5% per annum from the date of filing of the petition till the date of deposit. Aggrieved by the award of the Tribunal, the appellant has preferred the present appeal seeking to enhance the compensation.

2. It is a case of injury and the appellant has agreed to the terms of compromise. Accordingly, after due deliberation and consultation, both the parties have agreed to settle the case for a sum of Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) with interest from the date of filing of main M.C.O.P. till the date of realisation, over and above the award amount already received, as enhanced compensation.

3. The 2nd respondent/Insurance company shall deposit the enhanced award amount of Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) within a period of eight weeks from the date of receipt of a copy of this order.

4. On such deposit being made, the appellant is permitted to withdraw a sum of Rs.3,75,000/-, towards enhanced compensation, before the Tribunal without filing any formal petition. The Award is passed accordingly.



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5. 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.

6. This Civil Miscellaneous Appeal is disposed of accordingly.

J.Sivam

Counsel for Appellant

Divisional Engineer,
The New India Assurance Co. Ltd.,
Divisional Office, No.30, J.N. Street,
Puducherry.

Counsel for 2nd 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 2 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

Member

To: The parties/Advocate concerned



T.V.THAMILSELVI, J.

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Copy to:

1. The Motor Accidents Claims Tribunal/1st Addl. 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

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11.02.2023