



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

Saturday, the 11th February 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.G.Dharmaraj, District Judge (Retd.),

Mr.M.Muthusamy, Senior Advocate

C.M.A.NO.1957 of 2019

(Appeal against the judgment and decree passed on 31.12.2010 made in M.A.C.T.O.P.No.76 of 2009 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvananthapuram).

Venkatesan

.. Appellant

/versus/

1. Kirubakaran

2. The Divisional Manager,

Balaj Allianz General Insurance Co. Ltd,

No.25/26, Prince Towers, Nungambakkam,

Chennai.

..Respondents

(R1 exparte before the Tribunal)

This case is taken up for settlement before the Lok Adalat. Both the parties are present. M/s.M.Malar, learned counsel for the Appellant and Mr.T.K.Prem Kumar, learned counsel for the second respondent are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:



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TERMS OF SETTLEMENT

The Tribunal has awarded a sum of Rs.90,000/-, with interest at 7.5% per annum, from the date of petition, till the date of deposit. Aggrieved by the award of the Tribunal, the appellant / claimant had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to enhance the award of the Tribunal to a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) over and above the original amount of Rs.90,000/- in full quit as compensation.

3. It is admitted by the appellant that the original award amount together with interest has been already withdrawn. The Second Respondent / Insurance Company is directed to deposit the enhanced amount of compensation now arrived at today, within a period of four weeks from the date of receipt of a copy of this order, to the credit of M.C.O.P.No.76 of 2009 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvananmalai. On such deposit being made, the appellant / claimant is permitted to withdraw the amount on filing proper applications.



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4. The Tribunal is directed to transfer the above said award amount to the Bank account of the appellant / claimant by way of NEFT / RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

5. The Civil Miscellaneous Appeal is disposed of accordingly.

No costs.

Venkatesan

Counsel for the Appellant

The Divisional Manager,
Balaj Allianz General Insurance Co. Ltd,
No.25/26, Prince Towers, Nungambakkam,
Chennai.

Counsel for the Second respondent



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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:

1. Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvananthai.
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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P.B.BALAJI,J.

av/kpr

C.M.A..NO. 1957 of 2019

11.02.2023