



WEB COPY



HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI

Madurai Bench of Madras High Court, Madurai - 625023

Saturday the 8th day of July 2023

NATIONAL LOK ADALAT AWARD

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

Presided Over by

The Honourable Mr Justice R.VIJAYAKUMAR

and

Members

Mr.JOHN R.D.SANTHOSAM, District Judge(Retired),

and

Mr.A.HAJA MOHIDEEN, Advocate

CMA(MD) No.1023 of 2022

(Appeal against the judgment and decree passed on 12/02/2021 in MCOP.82/2014 on the file of the CHIEF JUDICIAL MAGISTRATE, KARUR.)

The Manager,

M/s.The Oriental Insurance Company Limited,

No.44/3, Thiruvalluvar Salai, Opposite to Ambika Complex,

Vellur, Namakkal - 638 182. ...**Appellant**

Versus

1.Rathinam,

S/o.Kuppan,

No.1/425, Kamaraj Nagar, Roaddukkadai Street,

Andangovil East Village, Karur.

2.K. Manickam,

S/o.Kuppusamy, No.35/798, Thendral Nagar,

Thanthoni Village, Karur District.

Venkatachalam (Died).

3.Mariyayee,

W/o.Subramani,

No.50A/40, Kallankadu, Sanarappalayam, Selur (Post),

Vellur Vattam. ...**Respondents**



WEB COPY

(This petition is Amended as per order in I.A. No. 175/2015 respondent Nos. 3 and 4 are impleaded as per order in I.A. No. 330/2019 dated 04.12.2019)
(Respondent Nos.2 and 3 given up)

This case came up for settlement before the Lok Adalat. Both the parties present. Mr.C.Jawahar Ravindaran, learned counsel for the appellant and Mr.K.Suresh Kumar, learned counsel for the 1st respondent are present. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.

AWARD

Aggrieved by the award amount of Rs.28,21,564/- (Rupees Twenty Eight Lakhs Twenty One Thousand Five Hundred and Sixty Four Only) along with interest at 7.5% passed by the Tribunal, the appellant / Insurance Company has filed the present appeal.

2.Now, the parties have arrived at settlement to a sum of Rs.35,91,050/- (Rupees Thirty Five Lakhs Ninety One Thousand and Fifty Only) as full quit. Out of Rs.35,91,050/- (Rupees Thirty Five Lakhs and Ninety One Thousand Fifty Only) payment, the claimant/first respondent may be able to withdraw Rs.33,45,823/- (Thirty Three Lakhs Forty Five Thousand Eight Hundred and Twenty Three only). Balance of Rs.2,45,227/- (Two Lakhs Forty Five Thousand Two Hundred and Twenty Seven only) is remitted by Oriental Insurance Company Limited to Income Tax Department for which Form 16 will be issued to the claimant. The claimant shall submit an application to the Income Tax Department and get a refund of Rs.2,45,227/- (Two Lakhs Forty Five Thousand Two Hundred and Twenty Seven only).

3. It is represented that at the time of filing the appeal, appellant has deposited a sum of Rs.32,48,530/- (Rupees Thirty Two Lakhs Forty Eight Thousand Five Hundred and Thirty only) before the Tribunal. Hence, the balance amount of Rs.3,42,520/- (Rupees Three Lakhs Forty Two Thousand Five Hundred and Twenty only) shall be paid by the appellant / Insurance Company within a period of two weeks from today before the Tribunal. After such deposit, the claimant is permitted to withdraw a sum of Rs.33,45,823/- (Thirty Three Lakhs Forty Five Thousand Eight Hundred and Twenty Three only) by filing formal application before the Tribunal.

The Manager,

M/s.The Oriental Insurance Company Limited, No.44/3, Thiruvalluvar Salai, Opposite to Ambika Complex, Vellur, Namakkal - 638 182.



WEB COPY

Counsel for the Appellant

Rathinam,
S/o.Kuppan, No.1/425, Kamaraj Nagar, Roaddukkadai Street, Andangovil East Village,
Karur.

K. Manickam,
S/o.Kuppusamy, No.35/798, Thendral Nagar, Thanthoni Village, Karur District.

Mariyayee,
W/o.Subramani, No.50A/40, Kallankadu, Sanarappalayam,
Selur (Post), Vellur Vattam.

Counsel for the 1st 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 Tamilnadu 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.

The Original of the award shall be place in the court record and copy of the award, kept with High Court Legal Services Committee and one copy each is furnished to both parties free of cost.

In agreement of the above, both parties and their counsel have affixed their signatures/ thumb impressions in presence of the Lok Adalat Bench admitting the terms and today conditions and accordingly, the award is passed.

JUDGE

MEMBER

MEMBER



WEB COPY

To: The Parties/Advocate concerned

Copy To

1. CHIEF JUDICIAL MAGISTRATE, KARUR.
2. The Officer-in-Charge, High Court Legal Services Committee, Madurai.
3. The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.

Typed By

A.Maheswari

PA To The Hon'ble Judges