



W.P(MD)No.28374 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28374 of 2023

Mariyammal

... Petitioner

Vs.

1.The Lok Adalat,
District Legal Services Authority,
Dindigul District.

2.The Branch Manager,
New India Assurance Co.Ltd.,
First Floor, D.No.3, Main Road,
Dindigul District.

3.K.Velmurugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of Award dated 12.11.2022 passed by the Lok Adalat on the file of the Principal District Judge, Dindigul and quash the same and to remand back the MCOP.No. 511 of 2021 to the Principal District Judge, Dindigul, for further and expeditious proceedings.



W.P(MD)No.28374 of 2023

For Petitioner : Mr.S.Pugalendhi
For Respondents : Mr.Robert Chandra Kumar
Standing Counsel for R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the second respondent. Considering the nature of relief to be granted, issuance of notice to the respondents 1 and 3 is dispensed with.

2.The petitioner's husband died in a fatal accident. He was riding a two wheeler. It was involved in a head on collision with a lorry which had been ensured by the second respondent. The petitioner filed M.C.O.P.No.511 of 2021 before the Principal District Judge, Dindigul. The matter was referred to Lok Adalat. On 12.11.2022, the impugned Lok Adalat award was passed and the insurer had agreed to settle the claim at Rs.4,00,000/- (Rupees Four Lakhs only). Challenging the same, the present writ petition has been filed.



W.P(MD)No.28374 of 2023

WEB COPY

3.I am conscious that Lok Adalat award can be questioned only on limited grounds. In this case, the beneficiary herself is before this Court. The learned Standing Counsel appearing for the insurance company also appeared at the admission stage. I wanted to know what had actually happened. He submitted that the driver of the vehicle insured by the second respondent did not even have driving license at all. Therefore, in such cases, the insurance company would always insist on pay and recover award. In this case, without proper authorisation, it appears that an award had been agreed upon. The second respondent through their Standing Counsel informs the Court that the Tribunal can very well pass an award for the very same amount and the only additional direction that the insurer seeking is for liberty to recover the award amount from the vehicle owner for violation of policy condition.

4.I am therefore satisfied that the claimant will not be put to any hardship or difficulties. In this view of the matter, the impugned award is set aside. M.C.O.P.No.511 of 2021 is restored to the file of the learned Principal District Judge, Dindigul. The claimant will be entitled to a sum



W.P(MD)No.28374 of 2023

of Rs.4 Lakhs as mentioned in the impugned award. The scope of the enquiry / trial is confined to whether the insurance company should be given liberty to recover the award amount from the vehicle owner / driver.

5.The trial Court is directed to conclude M.C.O.P.No.511 of 2021 within a period of five months from the date of receipt of a copy of this order. This writ petition is allowed on these terms. There shall be no order as to costs.

01.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Registry is directed to mark a copy of this order to the learned Principal District Judge, Dindigul.

To

1.The Lok Adalat,
District Legal Services Authority,
Dindigul District.



W.P(MD)No.28374 of 2023

2.The Branch Manager,
New India Assurance Co.Ltd.,
First Floor, D.No.3, Main Road,
Dindigul District.



WEB COPY



W.P(MD)No.28374 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.28374 of 2023

01.12.2023