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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday the 14th day of September 2024
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

THE HONOURABLE Mr.JUSTICE **K. GNANAPRAKASAM (RETD.)**
and

Members:

- 1.Mr.S.Baskaran District Judge (Retd.)
- 2.Ms.Jemmy Vasanth

C.M.A.No.2196 of 2023

(Civil Miscellaneous Appeal is filed against the Order and Decree dated 15.06.2016 made in M.C.O.P.No.2768 of 2003 passed by the learned Motor Accidents Claims Tribunal, V Small Causes Court, Chennai.)

K.Sounder
S/o, Mr.Karnan,

...Appellant/Petitioner

Sole Appellant declared as Major and his Father/Natural Guardian Mr.N.Karnan discharged from Guardianship vide Court order dated 22.09.2022 made in C.M.P.No.14460 of 2022 in C.M.A.Sr.No.14771/2019 by PTAJ

Vs.

1.Mr.B.Kalaivanan
(R1 remained Exparte before the Tribunal)

2.The New India Assurance Company Limited,
No.92, G.N.Chetty Road,
Mezzanine Floor, East Coast Chambers,
T.Nagar,
Chennai – 600 017.

.. Respondents/Respondents

With the consent of both the parties, this case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.S.Ravichandran, learned counsel for appellant and Mrs.Salomi, learned Counsel for the second respondent/Insurance Company is



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.1,57,500/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization. The appellant has received said amount together with the interest and cost.

2. For the un-awarded amount of 2,42,500/-, the appellant has preferred the present appeal.

3. After due deliberation and consultation, both the parties agreed that the second respondent/Insurance Company has agreed to pay a sum of Rs.1,50,000/- over and above the Tribunal's award amount. However, the Insurance Company has agreed to pay the said sum of Rs.1,50,000/- alone without interest. The Insurance Company is directed to deposit the said amount of Rs.1,50,000/- within a period of eight (8) weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the said amount of Rs.1,50,000/-, without filing any formal petition.

4. The 2nd respondent/ The New India Assurance Co. Ltd., is directed to deposit the amount of compensation now arrived at today a sum of Rs.1,50,000/- within a period of eight weeks. On such deposit being made, the appellant is permitted to withdraw the entire amount on filing proper applications.



5. The Tribunal is directed to issue the award amount through NEFT/RTGS to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

K.Sounder

Counsel for Appellant

The New India Assurance Company Limited,
No.92, G.N.Chetty Road,
Mezzanine Floor, East Coast Chambers,
T.Nagar,
Chennai – 600 017.

Counsel for second 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 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, V Small Causes Court, Chennai
- 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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4

K. GNANAPRAKASAM, J (RETD.)

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C.M.A.No. 2196 of 2023

14.09.2024