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C.R.P. No. 1299 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

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THE HONOURABLE MR. JUSTICE P.DHANABAL

C.R.P. No. 1299 of 2022

and

C.M.P. No. 6920 of 2022

The New India Assurance Company Limited,
Namakkal Division Office, 2nd Floor,
Paramathi Road, Namakkal Taluk,
Namakkal District.

... Petitioner /
Respondent No.2

Vs.

Arulpandi
S/o. Arasan

... Respondent / Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, 1950, to set aside the order dated 15.03.2019 passed by the Tribunal in Lok Adalat Settlement in Lok Adalat Case No. 233 of 2018 in M.C.O.P. No. 821 of 2016 on the file of the Special Sub Court, Dharmapuri.

For Petitioner : Mr. S.Dhakshnamoorthy

For Respondent : Mr. P.Valliappan
for M/s. P.V. Law Associates



ORDER

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This Civil Revision Petition has been preferred as against the Lok Adalat Award dated 15.03.2019 passed in Lok Adalat Case No. 233 of 2018 in M.C.O.P. No. 821 of 2016 on the file of the Special Sub Court, Dharmapuri, wherein, the respondent herein has filed main petition for compensation due to the injury sustained by him in a road accident. The said matter was referred to Lok Adalat and based on the settlement between the parties, an Award was passed on 15.03.2019.

2. According to the petitioner, the award was passed on 04.12.2018 only for an amount of Rs. 1,25,000/- in full quit. Thereafter, the respondent herein has filed an Execution Petition before the Execution Court stating that the award amount is Rs.1,25,000/- plus medical bills. Moreover, the order shows that the terms of settlement before Lok Adalat held on 04.12.2018 and award was dated 15.03.2019. Therefore, the said award has not been passed by the Lok Adalat and there is no chance to pass such an order. Therefore, the award dated 15.03.2019 is liable to be set aside.

3. According to the respondent, at the time of settlement, the settlement was arrived at Rs. 1,25,000/- plus medical bills. Therefore, the award was



passed in terms of settlement at Rs. 1,25,000/- plus medical bills. Thereafter, the petitioner had only deposited a sum of Rs. 1,25,000/- plus interest and not deposited the medical bills amount. Therefore, the respondent filed a petition before the Execution Court and the same is also pending.

4. The learned counsel appearing for the petitioner would contend that as per the award passed in the Lok Adalat, the petitioner is liable to pay only Rs.1,25,000/- as full quit and no reference about the medical bills in the original award passed by the Lok Adalat. But the respondent produced the terms of settlement dated 04.12.2018 and award dated 15.03.2019, wherein, the award was altered as Rs. 1,25,000/- plus medical bills. Normally, while settling the cases, they used to quantify the award amount including all the medical bills and expenses. Therefore, in this case also, after considering the medical bills and other expenses, they arrived at settlement of Rs.1,25,000/-. But, the present award produced by the respondent shows that Rs.1,25,000/- plus medical bills. The word 'plus medical bills' has been inserted later and the petitioner has a copy of original award for Rs. 1,25,000/- as a full quit. Therefore, the award dated 15.03.2019 produced by the respondent is liable to be set aside.



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5. The learned counsel appearing for the respondent would contend that at the time of passing Award, the settlement was arrived at Rs. 1,25,000/- plus medical bills. Thereby, the Award mentioned as Rs. 1,25,000/ and medical bills. The medical bills worth about Rs. 1,25,000/- has not been mentioned in the Award, only mentioned as medical bills. Thereafter, the petitioner did not deposit the medical bills, and thereby, the respondent filed Execution Petition before the Execution Court and now the petitioner challenged that award. The Award passed by the Lok Adalat is only after consent of both parties. Therefore, the present Civil Revision Petition is liable to be dismissed.

6. This Court heard both sides and perused the materials available on record.

7. In this case, there is no dispute that the case was settled before the Lok Adalat on 04.12.2018 and the Award amount is Rs. 1,25,000/-. According to the petitioner, the Award amount is only Rs. 1,25,000/- as a full quit. According to the respondent, the Award was passed at Rs. 1,25,000/- plus medical bills. The petitioner has produced a copy of the Award for Rs. 1,25,000/- and the respondent also produced a copy of the Award for Rs. 1,25,000/- plus medical bills. Therefore, this Court also called for report from



the Trial Court and the Trial Court also filed a report stating that as per the available records, the award passed for Rs.1,25,000/- plus medical bills. There is no dispute that in respect of the award passed at Rs. 1,25,000/- towards compensation and now, the only dispute is in respect of the medical bills.

8. At this juncture, this Court also perused the petition filed by the respondent in the main petition, wherein, he stated in the petition that he incurred a sum of Rs. 1,75,000/- towards medical expenses and also he filed bills for Rs. 1,20,461/- as document in the list of documents at Sl. No.4. The admitted Award was Rs. 1,25,000/-. Once the respondent who is the petitioner in the main petition, filed documents for Rs. 1,25,000/-, it is not possible to accept for the settlement of Rs. 1,25,000/-. Therefore, there will be a chance for omission to mention about the medical bills. Since there is a dispute between the parties in respect of medical bills and there is no dispute in respect of the amount arrived for Rs. 1,25,000/-, considering the nature of claim and already the petitioner herein also deposited the amount of Rs. 1,25,000/-, it is appropriate to direct the respondent to produce the medical bills before the Trial Court and the Trial Court has to decide the claim in respect of medical bills and the genuineness of the bills. Based on those bills, the Trail Court can pass Award only in respect of the medical bills. Therefore,



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the order passed by the Lok Adalat as produced by the respondent for an amount of Rs. 1,25,000/- plus medical bills is modified to that effect as Rs. 1,25,000/- and the medical bills have to be decided by the Trial Court. Therefore, the order passed by the Lok Adalat in respect of medical bills alone is set aside and the matter is remitted back to Trial Court for deciding the claim in respect of the medical bills. The Trial Court is directed to complete the process within 2 months from the date of receipt of a copy of this order.

9. With the aforesaid modification, this Civil Revision Petition is ordered. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
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To

The Special Sub Court, Dharmapuri.



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P.DHANABAL, J.,

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