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W.P.No.22870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22870 of 2024

ICICI Lombard General Insurance Company Limited,
Having Office at
Building No.142, 1st Floor, ECR Main Road,
Near Latha Steel House, Kottupalayam,
Puducherry-605 008.

... Petitioner

Vs.

1.The Taluk Legal Service Committee,
Represented by its Chairman,
Court Buildings, Chidambaram.

2.S.Kathiravan

3.V.Vimal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the award made in Lok Adalat Case No.74/2023 (M.C.O.P.No.16 of 2023 on the file of the II Additional District Judge, Chidambaram), dated 09.09.2023 passed by the first respondent and quash the same.



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For Petitioner : Mr.L.Sai Pooja
For R1 : Legal Service
For R2 and R3 : No-appearance

ORDER

This Writ Petition has been filed to call for the records relating to the award made in Lok Adalat Case No.74/2023 (M.C.O.P.No.16 of 2023 on the file of the II Additional District Judge, Chidambaram), dated 09.09.2023 passed by the first respondent and quash the same.

2. The case of the petitioner is that the petitioner herein is the Insurance Company. The second respondent has filed a claim petition in M.C.O.P.No.16 of 2023 against the third respondent and the petitioner before the II Additional District Court, Chidambaram, in respect of the accident that took place on 02.11.2021, between Cuddalore to Chidambaram Main Road, whereas, the petitioner is also contesting another M.C.O.P.No.61 of 2023 as the respondent No.2 before the II Additional District Court, Chidambaram, which is in respect of another accident. In



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view of the settlement arrived between the parties in M.C.O.P.No.61 of 2023, the matter was settled through Lok Aalat held on 09.09.2023, however, inadvertently, the Joint Compromise Memo was filed in M.C.O.P.No.16 of 2023, instead of M.C.O.P.No.61 of 2023, for a sum of Rs.2,10,000/- and it was recorded in Mega Lok Adalat held on 09.09.2023 vide Lok Adalat Case No.74 of 2023 and the first respondent has passed an order that on negotiation, both the parties have agreed for settlement of the dispute for a sum of Rs.2,10,000/- and the petitioner was directed to deposit the settled amount before the Competent Court. Consequent to the recording of settlement in M.C.O.P.No.16 of 2023 and the order passed by the first respondent, the petitioner came to knowledge about inadvertence by mentioning wrong M.C.O.P number in the Joint Compromise Memo filed before the Taluk Legal Services Committee. He further submits that M.C.O.P.No.16 of 2023 is a contestable case on the ground of non-involvement of insured vehicle and it cannot be settled by way of compromise before the Lok Adalat. The petitioner was inclined to settle the case in respect of M.C.O.P.No.61 of 2023 only and not



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M.C.O.P.No.16 of 2023, which is a contestable case of the petitioner.

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Therefore, the petitioner had filed a memo on 11.10.2023 before the II Additional District Court, Chidambaram, intimating their negligence in issuing the Joint Compromise memo with incorrect M.C.O.P number and prayed to set aside the order passed in M.C.O.P.No.16 of 2023, but, it was returned on the ground of applicability and maintainability. Hence, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner. Though notice was served to the respondents 2 and 3, no one has appeared.

4. Considering the submission made by the learned counsel appearing for the petitioner and the fact that the petitioner was inclined to settle the matter in respect of M.C.O.P.No.61 of 2023 and not M.C.O.P.No.16 of 2023, which is a contestable case of the petitioner, this Court, vide order dated 21.08.2024, directed the learned II Additional District Judge, Chidambaram, to file an appropriate report with regard to the



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inadvertence, after hearing the petitioner as well as the respondents in M.C.O.P.Nos.16 and 61 of 2023 on or before 29.08.2024. Pursuant to the same, the learned II Additional District Judge, Chidambaram, has sent a report dated 28.08.2024 to this Court, wherein, it has been stated that notice was issued to the parties in M.C.O.P.No.16 of 2023, pursuant to the directions of this Court and the petitioner and the second respondent herein appeared on 27.08.2024 and the second respondent, namely, Kathiravan, filed a memo stating that he has no objection to quash the Lok Adalat award passed in M.C.O.P.No.16 of 2023 and the petitioner herein also appeared and filed a memo stating that the Joint Memo for Compromise has been wrongly filed in M.C.O.P.No.16 of 2023. Taking into consideration of the report dated 28.08.2024 filed by the learned II Additional District Judge, Chidambaram and the Memo filed by the second respondent, this Court is inclined to quash the award passed by the first respondent in Lok Adalat Case No.74/2023 (M.C.O.P.No.16 of 2023 on the file of the II Additional District Judge, Chidambaram), dated 09.09.2023 and accordingly, it is quashed. The learned II Additional District Judge,



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Chidambaram, is directed to restore the case and conclude the proceedings in M.C.O.P.No.16 of 2023, as expeditiously as possible, after providing opportunity to the petitioner and the respondent Nos.2 and 3 herein.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

03.09.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

The Taluk Legal Service Committee,
Represented by its Chairman,
Court Buildings, Chidambaram.



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M.DHANDAPANI, J.

ssb

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