

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services Committee
Tuesday, the 07th day of July 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE S.K.KRISHNAN(Retd.)
and

Members

Mr.P.Subburaj
Mr.S.Arunchalam

C.M.A.No.1287 of 2014

(Appeal against the judgment and decree passed on 29.04.2013
made in MACTOP.No.155 of 2010 on the file of the Motor Accidents
Claims Tribunal, (Subordinate Court), Ariyalur

The Oriental Insurance Company Limited,
Second Floor, No.4, Bharathidasan Salai,
Cantonment, Tiruchirappalli.

.. Appellant

Vs.

- 1.Shanthi
- 2.Loganathan
- 3.Minor Ajithkumar
(minor rep.by R2)
- 4.Nagarajan
- 5.Rajadurai
- 6.National Insurance Company Limited,
No.266, Nagammal Koil Street,Kannilkovil,
Manapattu Post, Pondicherry.

(Notice dispensed with for 4 th respondent, who remained ex-parte)
(No relief claimed against 5 & 6 respondents and are given up)

.. Respondents

This case came up for settlement before the Lok Adalat. Both
the parties are present. The learned counsel for the appellant,
Mr.M.Krishnamoorthy and the learned counsel for the respondents 1 to
3 Mr.A.A.Venkatesan are 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.18,11,660/- with interest
at 7.5% per annum from the date of petition till the date of deposit.
It is represented by the learned counsel for the appellant/Insurance

Company that the amount has already been deposited before the Tribunal.

2. After due deliberation and conciliation, both the parties have agreed to modify the award to a sum of Rs.18,50,000/- (Rupees Eighteen Lakhs Fifty Thousand only) in full quit (inclusive of interest)

3. The modified amount shall be apportioned among the claimants / respondents 1 to 3 as follows:-

Shanthi	-	Rs.7,00,000/-
Loganathan	-	Rs.7,00,000/-
Minor Ajithkumar	-	Rs.4,50,000/-

4. The respondents 1 to 3 are permitted to withdraw their above mentioned shares without filing any formal petition. Since, minor/third respondent has attained the age of majority as evident by the xerox copy of study Transfer Certificate produced by him, wherein his date of birth is mentioned as 24.08.1996, he is permitted to withdraw his share amount. Since the claimant-Loganathan is unable to appear before this Court, he has filed an affidavit duly signed by the Notary, wherein he has agreed for the above said apportionment. After satisfaction of the decree, the amount lying in the deposit shall be refunded to the Insurance Company. The award is passed accordingly.

5. The Tribunal is directed to issue the cheques to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently connected Miscellaneous Petitions are closed, if any.

(Sd)

The Oriental Insurance Company Limited,
Second Floor, No.4, Bharathidasan Salai,
Cantonment, Tiruchirappalli.

(Sd)

Counsel for the Appellant

(Sd)

Shanthi

Loganathan
(to give affidavit)

(Sd)

Ajithkumar

Counsel for the Respondents

This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the parties in the manner provided under 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.

(Sd) (Sd) (Sd)
Member Judge Member

s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Subordinate Court, Ariyalur.
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

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