

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services Committee

Friday, the 06th day of February, 2015

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM(Retd.)
and

Members

Mr. A. Selvadoss
Mrs. Daniel Mary

C.M.A. No.242 of 2015
and
M.P.No.1 of 2015

(Appeal against the award and decree passed on 17.04.2014 made in M.C.O.P.No.2717 of 2008 on the file of the Motor Accident Claims Tribunal, (Additional District Judge), Cuddalore)

The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam Division-I) Ltd.,
Railway Station New Road,
Kumbakonam-612 001

... Appellant/1st Respondent

Vs.

1. Shenbagavalli
- 2.Minor Rajeshkumar
(rep. by his mother and
next friend, Shenbagavalli)
- 3.Dhanam

... Respondents/Petitioners 1 & 2/2nd Respondent

On representation of the learned counsel for the claimants, this case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.D.Venkatachalam and the learned counsel for the respondents, Mr.N. Udhayakumar 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 Transport Corporation has preferred the present appeal aggrieved against the award of Rs.8,98,000/- with interest at 7.5% p.a. from the date of petition till the date of payment.

2. After due deliberation and consultation, both the parties have agreed to modify the award for Rs.8,65,000/- for award and Rs.24,379/- for costs, totally Rs.8,89,379/- in full quit. The lower court has apportioned the award in favour of the widow of the deceased at Rs.4,00,000/- and the minor/second respondent at Rs.3,00,000/- and second respondent/mother of the deceased who was impleaded as a party at Rs.1,98,000/-.

3. Now, it is represented that the minor is a mentally retarded child and his grandmother namely, third respondent is prepared to give up her share in favour of the minor for the purpose of meeting medical expenses. Therefore, the apportionment shall be as follows:

The first respondent, widow of the deceased is permitted to withdraw Rs.4,00,000/- plus Rs.1,89,379/- which is the share of the third respondent, Dhanam.

4. A sum of Rs.3,00,000/- shall be deposited in any one of the nationalised banks in the name of the minor till he attains majority. The mother of the minor, who is the legal guardian is entitled to withdraw interest quarterly for the benefit of the minor.

5. The Transport Corporation is directed to deposit the modified award amount, less the amount already deposited, within a period of six weeks from the date of receipt of copy of this order. On such deposit, the first respondent/claimant is permitted to withdraw her respective share as stated above. On attaining the age of majority, minor respondent- 2 is permitted to withdraw his respective shares on production of age proof certificate before the tribunal. Award is modified accordingly.

6. 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 petition is closed.

Sd/-

The Managing Director,
Tamilnadu State Transport
Corporation (Kumbakonam Division-I) Ltd.,
Railway Station New Road,
Kumbakonam-612 001

Sd/-

Counsel for the Appellant

Sd/-

1. Shenbagavalli

Sd/-

2.Minor Rajeshkumar

(rep. by his mother and next friend,
Shenbagavalli)

Sd/-

3.Dhanam

Sd/-

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/-
Judge

sd/-
Member

sd/-
Member

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To
The parties/Advocate concerned

Copy to:1.The Motor Accident Claims Tribunal (First Additional District Judge), Cuddalore.
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.
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C.M.A. No.242 of 2015

and
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