

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 13th day of June, 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.RAJA
and

Members

Mr.P.Rosaiah
Ms.Narmada Sampath

C.M.A.No.854 of 2011

(Appeal against the fair and decreetal order dated 10.03.2010 passed in in M.C.O.P.No.83 of 2010 by the learned Sub Judge, Motor Accidents Claims Tribunal, Sathyamangalam.)

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I
37, Mettupalayam Road,
Coimbatore.

... Appellant/2nd Respondent

Vs.

1.P.Sivakumar

... Petitioner/1st Respondent
2.

3.E.Nagaraj

(R2 - Given up)

... 1st Respondent/2nd respondent

This case came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant Mr.V.Udayakumar and Mr.E.Devarajan, Manager for Appellant / Transport Company and the learned counsel for the first respondent Mr.MA.P.Thangavel and the first respondent 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.2,96,800/- with interest at 7.5% per annum from the date of petition till the date of realization. Being aggrieved over the same, the appellant Transport Corporation has preferred the appeal.

2.The petitioner was a driver being suffered grievous injuries filed claim petition claiming a sum of Rs.4 Lakhs as compensation before the Tribunal. However, the Tribunal awarded a sum of Rs.2,96,800/- with interest at 7.5% per annum from the date of petition till the date of realization as compensation on the basis of the following calculation:

1.Loss of income	:	Rs.2,44,800/-
2.Transportation charges	:	Rs. 5,000/-
3.Extra Nourishment	:	Rs. 5,000/-
4.Damages to clothes	:	Rs. 2,000/-
5.Pain and suffering	:	Rs. 10,000/-
6.Loss of Marital Prospects	:	Rs. 30,000/-

Total	:	Rs.2,96,800/-

3.The injured was only 27 years old when he met with the accident. The Tribunal fixed his income as Rs.4,000/- and applying the multiplier 17 arrived at Rs.2,44,800/- as loss of income. Coming to the finding of fact with regard to the disability of 30% as against the Doctor Certificate who assessed 60% disability and therefore, we persuaded the appellant to accept the award. The photographs of the victim shown before us also convinced the appellant as the claimant suffered from grievous injuries and his legs may not be in a position to continue his avocation as earlier. Finally, the appellant agreed the award amount and therefore, recording the settlement made by both the parties, appeal is closed.

4.It is represented that the entire award amount has been deposited and out of that only Rs.63,090/- is lying before the Tribunal. The said amount is directed to be realized on moving appropriate application before the Tribunal. The claimant/ first respondent is permitted to withdraw the balance amount lying before the Tribunal along with accrued interest. The Award is passed accordingly.

5.The Tribunal is directed to issue the cheque to the party concerned on proper identification in accordance with

the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is closed. Consequently, connected Miscellaneous Petitions are closed, if any.

Sd/-

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I
37, Mettupalayam Road,
Coimbatore.

Sd/-

Counsel for the Appellant

Sd/-

1.P.Sivakumar

Sd/-

Counsel for the 1st 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/-

Assistant Registrar (L.A)

//True Copy//

pri/dn

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal / Sub Judge, Sathyamangalam.
 - 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

C.M.A.No.854 of 2011

AK (CO)

CA(25/11/2015)