

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 20<sup>th</sup> 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 M.THANIKACHALAM (Retd.)  
and

Members

Mr.K.Ramakrishnan  
Ms.Janaki

C.M.A.No.2127 of 2014 and M.P.No.1 of 2014 and  
Caveat No.4507 of 2013

(Appeal against the judgment and decree passed on 07.11.2012  
made in M.C.O.P.No.320 of 2009 on the file of the Motor Accidents  
Claims Tribunal Subordinate Judge, Rasipuram)

M/s ICICI LOMBARD GENERAL  
INSURANCE COMPANY LIMITED,  
by its Manager,  
Swarnambigai Plaza,  
First Floor, Omalur Main Road,  
Near Old Bus Stand,  
Salem - 639 009.

... Appellant/2<sup>nd</sup> Respondent

Vs.

1.Chitra

2.Minor Ramkumar

3.Minor Ranjitha

4.Minor Ramya

5.Govindan

.... Petitioners 1 to 5

(Minors 2 to 4 are rep. by their  
mother & next friend Chitra  
first respondent herein)

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6.J.S.R Constructions Private Limited,  
By its Managing Director,  
(6<sup>th</sup> respondent is a formal party)

... Respondent s/1<sup>st</sup> Respondent

This case is not listed today. On representation of the counsel for both sides, this case is taken up for settlement before the Lok Adalat. Both parties are present. Ms.Abirami, Legal Manager of the Insurance Company and the learned counsel for the appellant Ms.R.Sree Vidya and the learned counsel for the respondents 1 to 5, Mr.P.Palanivel 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.14,75,500/- with interest at 7.5% per annum from the date of petition till the date of deposit and costs as compensation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred the present appeal.

2. The learned counsel for the respondents 1 to 5 had already filed the petitions before the High Court in M.P.Sr.Nos.14500,14501 & 14502 of 2015, to discharge guardianship for the respondents 2 & 3 and to declare the second and third respondent as major, respectively and the petitions are allowed by Lok Adalat today and the minor respondents 2 and 3 declared as majors and their guardianship was discharged. As far as, fourth minor respondent is concerned, the guardian will act on behalf of minor and receive her share as apportioned by the Tribunal, according to law.

3. Respondents 1 to 5 / claimants 1 to 5 represented by their counsel. Parties have negotiated the matter on their own without any external force and have come to the conclusion that from the deposited amount as per the conditions of the High Court, a sum of Rs.2,00,000/- can be reduced and the balance of amount should be paid to the respondents 1 to 5 / claimants 1 to 5 as compensation.

4. When this case is taken up today, both parties have agreed for the aforementioned settlement. In view of the settlement arrived between the parties, the award is modified. From the total amount deposited by the Insurance Company, viz., Rs.20,22,271/- with accrued interest if any, a sum of Rs.2,00,000/- will be deducted and the

balance of entire amount with accrued interest if any shall be paid to the respondents 1 to 5, proportionately as granted by the lower court in its award. The balance amount of Rs.2,00,000/- with proportionate accrued interest if any, from the date of deposit into the Court, shall be refunded to the appellant / Insurance Company.

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.

6. Office is directed to amend the cause title forthwith.

Sd/-

M/s ICICI LOMBARD GENERAL  
INSURANCE COMPANY LIMITED,  
by its Manager,  
Swarnambigai Plaza,  
First Floor, Omalur Main Road,  
Near Old Bus Stand,  
Salem - 639 009.

sd/-

Counsel for the Appellant

sd/-

1.Chitra

sd/-

2.Ramkumar

sd/-

3.Ranjitha

sd/-

4.Minor Ramya

sd/-

5.Govindan

(Minor fourth respondent, rep. by her  
mother & next friend Chitra  
first respondent herein)

sd/-

Counsel for the Respondents 1 to 5

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

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees

and Suits Valuation Act, 1955 and 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.

To:

The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal Subordinate Judge, Rasipuram
- 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.2127 of 2014  
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JSV(CO)  
CA(27/02/2015)

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