

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 29th day of January, 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE N.V.BALASUBRAMANIAN(Retd.)
and

Members

Mr. K.Ramakrishnan
Mrs. S.S.Jothivani

C.M.A.No.261 of 2014

(Appeal against the judgment and decree passed on 30.09.2013
made in M.C.O.P.No.192 of 2009 on the file of the Motor Accidents
Claims Tribunal, Sub Court Tindivanam.

The Branch Manager

The New India Assurance Company Ltd.,

No.29, Ram Complex

Paramathi Road,

Namakkal - 637 001.

... Appellant/2nd respondent

Vs.

1.J.Sundaramurthi

2.S.Rajesh (Minor)

3.S.Mohan (Minor) (Minors rep by their father J.Sudara Murthy)

4.J.Muthammal

5.K.Marimuthu(R5 set ex parte)

... Respondents

This matter has been listed today for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mrs. S.R.Sumathi and the learned counsel for the respondents Mr.S.Lakshmanasamy & Mr.M.Ganesh 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

Tribunal has awarded a sum of Rs.7,18,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. Aggrieved by the award of the Tribunal, the appellant had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.3,59,000/- (Rupees Three Lakh Fifty Nine Thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit as compensation.

3. The appellant is directed to deposit the above said modified award amount of Rs.3,59,000/- (Rupees Three Lakh Fifty Nine Thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit, after deducting the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the respondent / claimants are permitted to withdraw the above said modified award amount along with interest in the same proportion as ordered by the Tribunal, without filing any formal petition. Award is passed accordingly.

4. It is represented that after the passing of the award the 4th claimant died and that the first claimant herein has claimed to be the legal heir. The first claimant is directed to take steps before the Tribunal for legal heir certificate. Further, the 1st claimant also undertakes to file a memo to that effect. The submission made by the 1st claimant is recorded and he is permitted to sign the award on behalf of the 4th claimant.

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 disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any.

6. The Claimant 2 And 3 are minors is represented that they have become major. The 1st Claimant is directed to take steps to establish that they have become major's before the tribunal and on being declared as majors, 2 and 3 are entitled to with draw their share of the amount.

Sd/-
The Branch Manager
The New India Assurance Company Ltd.,
No.29, Ram Complex
Paramathi Road,
Namakkal - 637 001.

Sd/-
Counsel for the Appellant

Sd/-
J.Sundaramurthi

Sd/-
S.Rajesh (Minor)

Sd/-
S.Mohan (Minor)

Sd/-
J.Muthammal

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 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/
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Sub Asst. Registrar.

PRM

To:

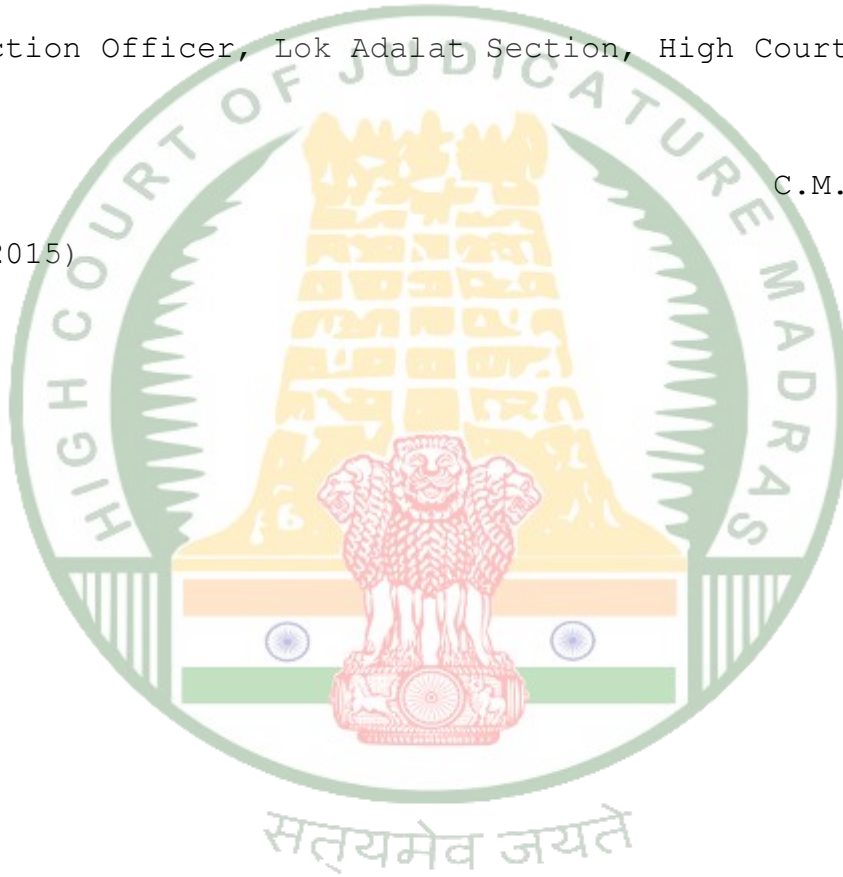
The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Sub Court Tindivanam.
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

RSY (CO)
CA(11/03/2015)

C.M.A.No.261 of 2014



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