

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 26th day of October 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE THANIKACHALAM (Retd.)
and

Members

- 1.Mr.S.Ramalingam
- 2.Mr.N.Gopalaswamy

C.M.A.No.3251 of 2014

(Appeal against the judgment and decree passed on 25.07.2013
made in M.C.O.P.No.3655 of 2009 on the file of the Motor
Accidents Claims Tribunal, Special Sub Judge I, Chennai.

- 1.R.Leelabai
- 2.N.Jasmin Helan
- 3.N.Rabinson
- 4.S.Rasolin
- 5.R.Anandam

Vs.

... Appellants/Petitioners

- 1.P.Uma Maheswari(was set exparte in the Trial court)
- 2.The Oriental Insurance Co.Ltd.,
No.8, Esplanade,
Chennai - 108.

.... Respondents/Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.N.M.Elumalai, the learned counsel for the appellants and the Mr.R.Sivakumar, learned counsel for the second respondent is present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

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TERMS OF SETTLEMENT

The appellants/claimants, for the death of first appellant's husband in a road accident, filed a claim before the claims tribunal, claiming a sum of Rs.20,00,000/- (Rupees twenty lakhs only), wherein, they have succeeded only to the extent of Rs.11,16,896/- (Rupees eleven lakhs sixteen thousand eight hundred and ninety six only) with usual clauses. The claimants/appellants not satisfied with the award, filed this appeal for enhancement of compensation, restricting the same to

Rs.5,00,000/-

2) After negotiation, conciliation, between the parties, the Insurance company had agreed to give enhancement compensation of Rs.1,50,000/- (Rupees one lakh fifty thousand only) in full quit, further, agreeing that the amount may be given to the first appellant, for which all the other appellants have no objection. To that effect, they have also filed a letter of authorisation recorded.

3) The appellants 1 to 3 are present and the appellants 4 and 5 being the old people, aged about more than 80 years, have authorised the first appellant (i.e., wife of deceased) to receive the entire compensation and the daughter and son also in person had agreed to give the entire enhancement of compensation of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the first appellant.

4) Under the above said circumstances, the presence of appellants 4 and 5, not insisted and their signatures also dispensed with since the beneficiary under the settlement is only the first appellant.

5) Hence, the lower court award is modified, ordering enhancement of compensation of Rs.1,50,000/- (Rupees one lakh fifty thousand only) in full quit and this amount shall be paid only to the first appellant/first petitioner namely R.Leelabai as agreed, as said above.

6) The second respondent /Insurance Company is directed to deposit the above said modified enhanced award amount within a period of four weeks from the date of receipt of copy of this order.

7) The Tribunal is directed to issue the cheques to the first appellant namely R.Leelabai 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.

1.R.Leelabai

2.N.Jasmin Helan

3.N.Rabinson.

Appellants

...Counsel for the

The Oriental Insurance Co.Ltd.,
No.8, Esplanade,
Chennai - 108.
Respondent

... Counsel for the 2nd

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-
Member

sd-
Judge

sd-
Member

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. The Motor Accidents Claims Tribunal, Special Sub Judge I, Chennai.
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

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TEJ(co)
cp 28/10/2015

C.M.A.No.3251 of 2014

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