

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services Committee
Monday, the 17th day of August 2015

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE MALAISUBRAMANIAN (Retd.)

and

Members

Mr.M.Soundarapandian

Mr.T.V.Suresh

C.M.A.No.579 of 2014 and M.P.No.1 of 2014

(Civil Miscellaneous Appeal against the judgment and decree passed on 26.04.2012 made in M.C.O.P.No.1000 of 2009 on the file of the Motor Accident Claims Tribunal, I Additional Subordinate Judge, Coimbatore)

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem Division - II) Limited,
Dharmapuri - 636 705. .. Appellant

Vs.

1.M.Kavitha
2.K.Manokaran

.. Respondents

(second respondent, who is the 1st respondent in the main claim petition was set ex-parte before the Tribunal, hence summons to him may be dispensed with)

This case came up for settlement before the Lok Adalat. Both parties are present. The learned counsel for the appellant Mr.D.Venkatachalam and the learned counsel for the first respondent Mr.S.Nandivarman and Mr.J.Kumaresan, 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.3,74,137/- with interest at 7.5% per annum as compensation from the date of petition till the date of realisation. Aggrieved by the award of the Tribunal, the appellant / Transport Corporation had preferred the present appeal. The appellant / Transport Corporation official reported that they had already deposited the entire award amount before the Tribunal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.3,55,000/- (Rupees Three Lakhs Fifty Five Thousand) with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit as compensation.

3. Out of the deposited amount, the first respondent/claimant is permitted to withdraw the modified award amount without filing any formal petition before the Tribunal. After satisfaction of the decree, if balance is available with the Tribunal, it shall be refunded to the appellant / Transport Corporation. Award is passed accordingly.

4. 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 petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently connected the Miscellaneous Petition is closed.

Sd/-
The Managing Director,
Tamil Nadu State Transport
Corporation (Salem Division - II) Limited,
Dharmapuri - 636 705.

Sd/-
Counsel for the Appellant

Sd/-
M.Kavitha

Sd/-
Counsel for the first Respondent

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/-
Member

Sd/-
Judge

Sd/-
Member

To

The parties/Advocate concerned

Copy to

1.The Motor Accidents Claims Tribunal, I Additional Subordinate Judge, Coimbatore.

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.579 of 2014
and M.P.No.1 of 2014

rj (co)
kra 8/9