HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat- I organised by the High Court Legal Services Committee
Thursday, 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 P.THANGAVEL (Retd.)
and
Members
Mr.R.Kanagasabapathy
Ms.Daniel Mary

C.M.A.No.1022 of 2013 and M.P.No.1 of 2013

(Appeal against the Judgment and decree passed on 26.05.2011 made in M.C.O.P.No.130 of 2008 on the file of the Motor Vehicles Accidents Claims Tribunal, Chief Judicial Magistrate, Villupuram)

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram,
Villupuram District. ...Appellant

Vs.

1. Mutthal
2. Jayakodi
3. Rajeshwari
4. Minor Rajkumar
5. Minor Ramkumar
(Minor respondents 4 and 5 represented by
their mother and natural guardian
viz., Mrs.Jayakodi, 2nd respondent herein) ...Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. The learned counsel for the appellant Mr.K.J.Sivakumar and the respondents 1 to 5 party-in-persons are 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 appeal in C.M.A.No.1022 of 2013 pending on the file of High Court, Madras and preferred against the award passed in the M.C.O.P.No.130 of 2008 on the file of Chief Judicial Magistrate Court, Villupuram has been referred to Lok Adalat for conciliation today.

2. The appellant / Tamil Nadu State Transport Corporation, Villupuram represented by its Deputy Manager, viz., Mr.Vishnu, and assisted by counsel and the respondents 1 to 5, who are the petitioners 1 to 5 before the tribunal as party-in-person are present before the Lok Adalat for conciliation today.

3. This is a case of fatal accident. After great deliberation and discussion, both the parties have compromised the disputed claim at Rs.8,00,000/- in full quit as against the Tribunal award of Rs.6,05,000/- with interest at 7.5% p.a. from the date of filing of this petition dated 16.03.2007 till date of payment.

4. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the appellant / Tamil Nadu State Transport Corporation, Villupuram shall pay a sum of Rs.8,00,000/- in full quit to the respondents 1 to 5, less the amount already deposited, if any, which is ordered to be deposited before the Competent Court within a period of eight weeks from the date of receipt of a copy of this award.

5. The respondents 1 to 3, who are the petitioners 1 to 3 before the Tribunal are permitted to withdraw the settled amount as per ratio already ordered by the Tribunal. The shares of the minor respondents 4 and 5 are ordered to be deposited in any one of the nationalised Banks till they attain majority. It was represented before the Lok Adalat that the minor respondents 4 and 5 have already attained majority. But no materials have been produced before the Lok Adalat for declaring them as majors. The respondents 4 and 5 are permitted to move the Competent Court to declare them as majors and on declaration as majors, the shares of respondents 4 and 5 are ordered to be paid by the Tribunal to the respondents 4 and 5 without filing any formal petition before the Competent Court. Award is passed accordingly.

6. 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

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accordingly. Consequently connected the Miscellaneous Petition is closed.

Sd/-
The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram,
Villupuram District.

Sd/-
Counsel for Appellant

(LTI)
1. Muttal

(LTI)
2. Jayakodi

Sd/-
3. Rajeshwari

4. Minor Rajkuma
5. Minor Ramkumar
(LTI of Jayakodi)
(Minor respondents 4 and 5 represented by
their mother and natural guardian
viz., Mrs.Jayakodi,
2nd respondent herein

Sd/-
Party – in - Persons

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 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(LA)

//True Copy//

Sub Assistant Registrar

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To

The parties/Advocate concerned
Copy to

1.Motor Vehicles Accidents Claims Tribunal, Chief Judicial Magistrate, Villupuram.
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.1022 of 2013
and M.P.No.1 of 2013

VSN (CO)
PSI(23.02.2015)

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