

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.2827 of 2013 and M.P.No.1 of 2013

(Appeal against the Judgment and decree passed on 04.07.2012
made in M.C.O.P.No.148 of 2010 on the file of the Motor Accidents
Claims Tribunal, Sub Court, Ranipet)

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram (Division) Limited,
Vellore - 9. ... Appellant

Vs.

1.M.Jamuna
2.Minor Vaishnavi
(rep. by her mother, 1st respondent herein)
3.K.Muthuraman .. 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 learned counsel for the respondents 1 to 3
Mr.M.Sivakumar 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 appeal in C.M.A.No.2827 of 2013 pending on the file of
High Court, Madras and preferred against the award passed in the
M.C.O.P.No.148 of 2010 on the file of Sub Court, Ranipet 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 3, who are the petitioners 1 to 3 before the tribunal and assisted by counsel 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.3,85,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit as against the Tribunal award of Rs.4,52,000/- with interest at 7.5% p.a. from the date of filing of this petition till the date of realization.

4. It is represented by the appellant / Transport Corporation official that they have already been deposited the entire award amount before the Tribunal. Out of the deposited amount, the respondents 1 and 3 are permitted to withdraw a sum of Rs.2,00,000/- and Rs.85,000/- respectively with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit without filing any formal petition before the Tribunal. The share of the minor second respondent of Rs.1,00,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit is ordered to be deposited in any one of the nationalised Banks till her attains majority in reinvestment scheme. After satisfaction of the decree, balance is available with the Tribunal, the same shall be refunded to the appellant/Transport Corporation without filing any formal petition.

5. The learned counsel appearing for the respondents 1 to 3 reported that the second respondent has already attained majority. But no materials have been produced before the Lok Adalat for declaring the second minor respondent as major. Hence, the second respondent is permitted to move the Competent Court to declare her as major and on declaration as major, she is permitted to withdraw her share lying into the credit before the Tribunal. If there is any surplus amount in this proceedings after settlement of the amount due to the respondents 1 to 3, the appellant is permitted to withdraw the surplus amount. Award is passed accordingly.

6. The Tribunal is directed to issue the cheques to the parties concerned on proper identification by their counsel concerned appearing before the Tribunal without insisting on any formal permission 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,
Villupuram (Division) Limited,
Vellore - 9.

Sd/-
Counsel for the Appellant

Sd/-
1.M.Jamuna

Sd/-
2.Minor Vaishnavi
(rep. by her mother, 1st respondent herein)
Sd/-

Sd/-

3. K.Muthuraman

Counsel for the Respondents 1 to 3

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

//True Copy//

Sub Assistant Registrar

To
The parties/Advocate concerned
Copy to

- 1.Motor Vehicles Accidents Claims Tribunal, Sub Court, Ranipet.
- 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.2827 of 2013
and M.P.No.1 of 2013

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