

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat- I 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 P.THANGAVEL (Retd.)
and

Members

Mr.R. Muthian
Mr.M.Shankar

C.M.A.No.3223 of 2008

(Appeal against the Judgment and decree passed on 11.01.2008 made in M.C.O.P.No.153 of 2004 on the file of the Motor Accident Claims Tribunal, (Subordinate Court) Tirupattur), Vellore District)

Minor. Madhukaran
(Rep. by his mother/
R. Ambika)

..Appellant/Petitioner

Vs.

1.R. Ganesh Kumar
2.The Divisional Manager,
Oriental Insurance Company Limited,
Vellore

.. Respondents/
Respondents

This case came up for settlement before the Lok Adalat. The learned counsel for the second respondent, Mr.M.Krishnamurthy is present. Appellant - party-in-person 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.3223 of 2008 pending on the file of High Court, Madras and preferred against the award passed in M.C.O.P.No.153 of 2004 on the file of the Motor Accident Claims Tribunal, (Subordinate Court) Tirupattur), Vellore District, has been referred to Lok Adalat for conciliation today.

2. Both the parties are present with their respective counsel.

3. The Tribunal has awarded a sum of Rs.43,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit. The R-2/Insurance Company officials reported that they have already deposited the entire award amount before the Tribunal.

4. Aggrieved against the award of the Tribunal, the appellant/claimant has preferred the present appeal.

5. After great deliberation and discussion, both the parties have compromised the disputed claim at Rs.40,000/- (Rupees Forty Thousand only) in full quit (inclusive of interest) over and above the award of the Tribunal.

6. The R-2/Insurance Company is directed to deposit the enhanced award amount, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the entire award amount shall be deposited in any one of the nationalised banks in the name of the appellant/claimant since he is a minor. On attaining the age of majority, the appellant/claimant is permitted to withdraw the entire award amount on production of age proof certificate before the Tribunal. The guardian/mother is permitted to withdraw the interest on the share of the minor once in three months for the maintenance and welfare of the minor. Right of pay and recovery for insurers stand protected. Award is passed accordingly. Consequently, connected miscellaneous petition, if any, is closed.

7. 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 petition. The Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-
Minor. Madhukaran
(Rep. by mother/guardian R. Ambika)

Sd/-
Party - in - person

Sd/-
The Divisional Manager,
Oriental Insurance Company Limited,
Vellore

Sd/-
Counsel for the Respondent-2

This Lok Adalat award is passed in terms of the above settlement.
<https://hcservices.ecourts.gov.in/hcservices/>

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

gv

To
The parties/Advocate concerned

Copy to

- 1.The Motor Accidents Claims Tribunal, (Subordinate Court) Tirupattur, Vellore District.
- 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.

C.M.A.No.3223 of 2008

VD(CO)
Eu 27.4.17



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