

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services Committee

Wednesday, the 18 day of February 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE K.GNANAPRAKASAM (Retd.)
and

Members

Mr.M.Abdul Malik
Mr.S.Arunachalam

CMA.342 of 2013 and CMA.SR.94552 of 2013

(Appeal against the judgment and decree passed on 05.09.2012
made in M.C.O.P.No.141 of 2010 on the file of the Motor Accidents
Claims Tribunal (I Additional District Judge, Erode)

1. Shanthakumar
2. Neelamani

... Appellants in C.M.A.No.342 of 2013
... Respondents 1 & 2 in CMA.SR.94552 of 2013

Vs.

1. Balasubramanian
2. The Commissioner of Rural Development,
and Panchayatraj, Chennai Block Development
Officer, Kotagiri, The Nilgiris.

... Respondents 1 & 2 in C.M.A.No.342 / 2013
... Respondents 3 & 4 in C.M.A.SR.94552 of 2013

3. United India Insurance Company Limited,
Christo Building, Bank Road, Ooty.

... 3rd respondent in C.M.A.No.342 /2013
... Appellant in CMA.SR.94552 of 2013

4. Sabeena

... 4th respondent in C.M.A.No.342 /2013
... 5th respondent in CMA.SR.94552 of 2013

(Respondents 1 & 2 in C.M.A.No.342 / 2013
& Respondents 3 & 4 in C.M.A.SR.94552 of 2013
were set ex-parte before the Tribunal)

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.A.K.Kumarasamy, the learned advocate for the appellant and learned advocate for the third respondent Mr.T.Ravichandran are present. Mr.R.Nallliyappan, learned advocate for the fourth respondent. 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.12,92,560/- with interest at 7.5% per annum from the date of filing of this petition till the date of realisation and costs as compensation. The third respondent / Insurance Company had already deposited the entire award amount before the Tribunal.

2. Not satisfied with the award of the Tribunal, the claimants / appellants 1 & 2 have preferred the present appeal in C.M.A.No.342 of 2013. Now, the appellants and respondents 3 and 4 have agreed to a sum of Rs.13,00,000/- (Rupees Thirteen Lakhs only) in full quit in C.M.A.No.342 of 2013. In view of the same, the CMA.SR.94552 of 2013 is closed.

3. Out of the deposited amount, the appellants are entitled to withdraw a sum of Rs.4,33,000/- each and fourth respondent is entitled to withdraw a sum of Rs.4,34,000/- without filing any formal petition. After satisfaction of the decree, if any balance is available with the Tribunal, it shall be refunded to the third respondent/Insurance Company. The Award is passed accordingly.

4. The Tribunal is directed to issue the cheque 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 accordingly.

Sd/-

1.Shanthakumar

2.Sd/-

3.Neelammani

Sd/-

Advocate for the Appellants

Sd/-

1.United India Assurance Company Limited,
Christo Building, Bank Road, Ooty

Sd/-

Advocate for the third
respondent

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Sd/-
2. Sabeena

Sd/-
Advocate for the fourth respondent

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.



To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, (I Additional District Judge, Erode)
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.
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CMA.342 of 2013 and
CMA.SR.944552 of 2013

BVR(CO)
CA(12/03/2015)