

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Tuesday, the 07th day of July, 2015

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE THANIKACHALAM (Retd.)
and

Members

Mr.P.V.Suriyaprakash
Mr.S. Arokiyaraj

C.M.A.No.3547 of 2013

(Appeal against the Judgment and decree passed on 03.01.2011 made
in M.A.C.T.O.P.No.102 of 2007 on the file of the III Judge, Motor
Accidents Claims Tribunal, (Small Causes Court) Chennai).

1.S. Muguravel (deceased)

2.M. Vijaya

3.M. Ganapathy (Minor)

4.M.Mahesh

(Minors rep. by Mother /

2nd petitioner)

.. Appellants

Vs.

1.K. Kaliyamurthy

(First Respondent was set
ex parte in the Trial Court)

2.National Insurance Company Ltd.,

Motor Third Party Claims Cell,

751, Annasalai,

Chennai - 600 002.

.. Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. The learned counsel for the appellant, Mr.S. Thambi and the learned counsel for the second respondent, Mr.CR.Krishnamurthy 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.12,56,006/- as compensation with interest at 7.5% per annum from the date of filing of petition till the date of deposit.

2. Aggrieved by the award of the Tribunal, the appellants / claimants have preferred the present appeal. Now, both the parties have agreed to enhance the award to a sum of Rs.1,70,000/- (Rupees One lakh and seventy thousand only) in full quit over and above the award of the Tribunal.

3. The second respondent/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 second appellant is permitted to withdraw the entire award amount without filing any formal petition before the Tribunal.

4. In the original award amount as per the lower court order and it's apportionment sufficient amounts were allotted to the minors and therefore, at the request the mother who is maintaining the family as well as considering the day to day expenses, the entire enhanced amount was directed to be paid to the second appellant alone and no share is given to minors. It is not adverse to their benefit and interest.

5. 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 accordingly. Consequently connected the Miscellaneous Petition is closed.

Sd/-

1.S. Muguravel (deceased)

Sd/-

2.M.Vijaya

Sd/-

3.M.Ganapathy (Minor)

Sd/-

4.M.Mahesh

Sd/-

Counsel for the Appellants

Sd/-

National Insurance Company Ltd.,
Motor Third Party Claims Cell,
751, Annasalai,
Chennai - 600 002.

Sd/-

Counsel for 2nd respondent

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

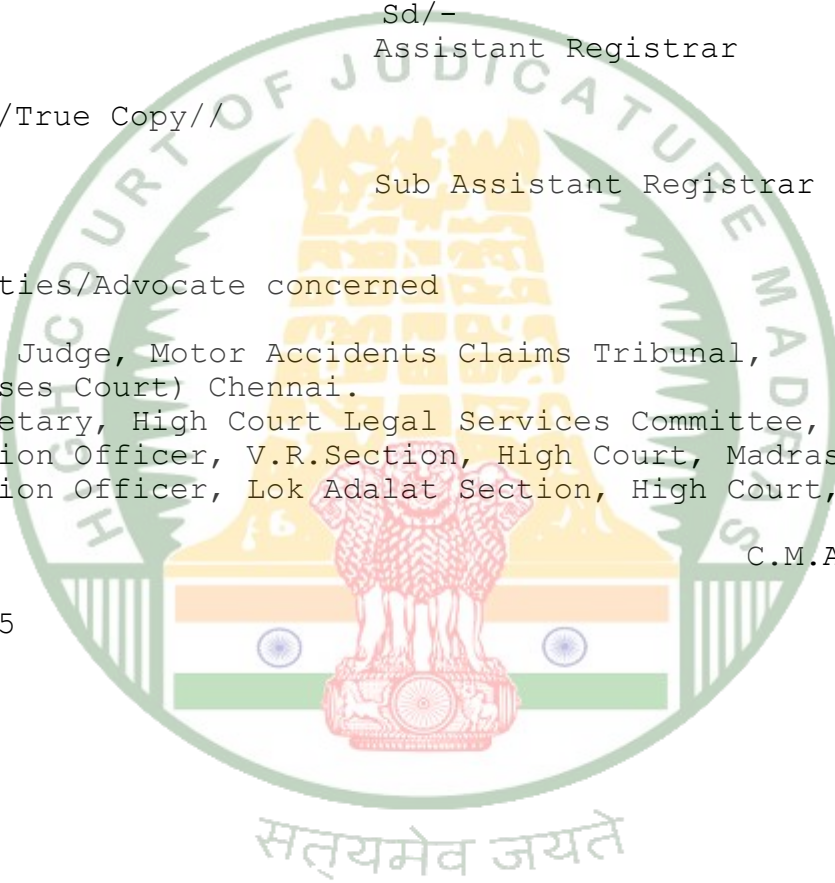
To: The parties/Advocate concerned

Copy to:

1. The III Judge, Motor Accidents Claims Tribunal, (Small Causes Court) Chennai.
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.3547 of 2013

KM(CO)
Eu 28.07.15



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