

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Friday, the 9th day of December 2016

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE A.RAMAMURTHI (Retd.)
and

Members

Mr.V.C. Suresh
Mrs.V. Nalini

C.M.A.No.1918 of 2016

(Appeal against the judgment and decree dated 25.02.2016 in
M.A.C.T.O.P.No.468 of 2014 on the file of the Motor Accidents
Claims Tribunal, Additional District Judge, Namakkal)

- 1.Chandraprabha
- 2.Minor Giridharan
- 3.Minor Arjunbharani
- 4.Amudhavalli
- 5.Kandasamy

Minors 2 & 3 rep. by their Mother &
Guardian the 1st appellant

...Appellants

Vs.

- 1.Sathish

(Notice to R1 may be dispensed with hence given up)

- 2.SBI General Insurance Company Ltd.,
Coimbatore.

...Respondents

On representation of the counsel for both sides, this case
is taken up for settlement before the Lok Adalat. Both the
parties are present. Mr. S. Vijayakumar for Mr. C.
Paraneedharan, Counsel for the Appellant and the respondent
Insurance Company represented by Mr. Suresh, Assistant Manager
(Legal) party-in-person. After mutual discussion, negotiation,
mediation and conciliation between both parties, they arrived at
a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

Both parties and counsel represented. The 2nd respondent Insurance Company is represented by Mr. K. Suresh, Assistant Manager (Legal). The appellants have preferred the present appeal aggrieved against the award of Rs.17,25,000 with interest and cost. The appellants have filed the present appeal for enhancement of the award amount. The 2nd respondent Insurance Company have deposited Rs.20,89,234 on 20.07.2016 inclusive of interest and cost.

Now both parties agreed to modify the award for Rs.20,89,234/- deposited by the company along with the accrued interest. Out of the amount available in the Bank deposit first claimant is entitled to withdraw Rs.6,00,000/- with interest. 4th claimant is entitled to withdraw Rs.3,25,000/- with interest. Claimants 2 & 3 are minors and their share of Rs.5,82,117/- each with accrued interest shall be invested in the Nationalised Bank. Till attaining the majority, the guardian of the claimant 2 & 3 namely the mother / 1st claimant is permitted to withdraw the quarterly interest. The claim in respect of the 5th appellant/claimant namely Kandasamy was already dismissed by the trial court. Award is modified accordingly.

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.

- Sd/-
1.Chandraprabha
Sd/-
2.Minor Giridharan
Sd/-
3.Minor Arjunbharan
Sd/-
4.Amudhavalli
Sd/-
5.Kandasamy

Sd/-
Counsel for the Appellants

Mr. Suresh, Assistant Manager (Legal),
SBI General Insurance Company Ltd.,
Coimbatore.

Sd/-
Party-in-person

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.

Sd/-
Member

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned
Copy to:

1. The Motor Accidents Claims Tribunal, Additional District Judge, Namakkal.
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.1918 of 2016

MP (CO)
Rs (23/01/2017)

सत्यमेव जयते

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