

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Tuesday, the 23rd of August 2016

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM (Retd.)
and

Members

Mr.B.Maharajan
Mr.V.Karthikeyan

C.M.A.No.1894 of 2015 and M.P.No.1 of 2015

(Appeal against the judgment and decree passed on
18.08.2014 made in M.A.C.T.O.P.No.491 of 2009 on the file of the
Motor Accidents Claims Tribunal, VI Judge, Small Causes Court,
Chennai)

National Insurance Company Limited,
DA8 (500604) No.169, Anna Salai,
Chennai - 2.

.. Appellant

Vs.

- 1.B.Munusamy (since deceased)
- 2.S.Sowthaiyan
- 3.Gopinath
- 4.Kalpana
- 5.Karthikeyan
- 6.Devika
- 7.Vijayalakshmi
- 8.Madanmohanraj
- 9.Nagammal

(Respondents 3 to 9 brought on record
as legal heirs of the deceased 1st respondent) .. Respondents

This case came up for settlement before the Lok Adalat.
Both the parties are present. Mr.M.Krishnamoorthy, learned
counsel for the appellant and Ms.Ramya V.Rao, the learned
counsel for the respondents 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.9,33,400/- with
interest at 7.5% per annum from the date of numbering of the

petition i.e.18.02.2009 till the date of deposit and costs as compensation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand only) along with interest at 7.5% per annum from the date of petition till the date of deposit as compensation.

3. The appellant / Insurance Company is directed to deposit the above said modified award amount along with interest , after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order.

4. The first respondent/claimant is dead. His legal heirs have been brought on record, on the basis of Memo filed by the counsel for respondents /claimants. In another memo is filed by the legal heirs, all of them consented to pay the entire amount of Rs.5,25,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit to the 6th respondent, viz., Devika. The legal heirs certificate is taken on file and the same is made part on record.

4. On such deposit, the 6th respondent is permitted to withdraw the above said modified award amount along with interest without filing any formal petition. Award is passed accordingly.

5. The Tribunal is directed to issue the cheque to the party 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 Miscellaneous Petition is closed.

Sd/-
National Insurance Company Limited,
DA8 (500604) No.169, Anna Salai,
Chennai - 2.

Sd/-
Counsel for the Appellant

Sd/-
1. -Gopinath

Sd/-
2. Kalpana

Sd/-
3. Karthikeyan

Sd/-
4. Devika

Sd/-
5. Vijayalakshmi

Sd/-
6.Madanmohanraj

Sd/-
7. Nagammal

Sd/-
Counsel for the Respondents
10.

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/-
Judge
Sd/-
Member

Sd/-
Member

To: The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal, VI Judge, 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.

mp(co)
prk2/9

C.M.A.No.1894 of 2015
and M.P.No.1 of 2015