

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services
Committee

Thursday, the 30th day of June, 2016

LOK ADALAT AWARD

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

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

Members

Mr.S.Gunaseelan
Mr.N.A.Nissar Ahmed

C.M.A No.377 of 2015

(Against the Award and decree passed on 11.03.2014 in
M.C.O.P.No.3869 of 2013 on the file of the Motor Accident Claims
Tribunal (III Small Causes Court) at Chennai.

1.Mrs.Lalli
2.M.Chandran
3.Tamilarasi(minor)
4.Santhosh(minor)
(3 and 4 minors rep.by their mother
1st petitioner) ... Appellants/Petitioners

Vs.

1.B.Karunamoorthy
(Respondents Exparte before the lower Court)

2.The New India Assurance Company Ltd.,
No.45, Moore Street,
Chennai-1.

.. Respondents/Respondents

This case came up for settlement before the Lok Adalat.
Both the parties present. The learned counsel for the appellants
Mr.K.Varadhakamaraj and the learned counsel for the second
respondent/Insurance Mr.J.Chandran 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 breadwinner of the petitioners' family died in a
motor accident, for which a claim of Rs.25,00,000/- made before
the trial Court ending an exparte award of Rs.9,39,000/-.

2.The appellants/claimants, not satisfied with the award restricting the value of appeal Rs.2,00,000/- filed an appeal for enhancement.

3.Though the Insurance Company/2nd respondent remained exparte before the Trial Court, now represented by their learned counsel and their officers concerned. The appellants and respondent represented by their respective concerned, after persuasion, the Insurance company/2nd respondent had agreed to pay a sum of Rs.8,25,000/- (Rupees eight lakhs and twenty five thousand only) with interest at the rate of 7.5% per annum, from the date of petition, till the date of realisation, for which though the appellants have filed an appeal for enhancement of the award, they agreed to reduce the award amount. In view of the above settlement reached between the parties, the appeal is disposed of.

4.In the result, the lower Court award is modified awarding a sum of Rs.8,25,000/- in favour of the appellants 1 and 2 with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation. The 2nd respondent/Insurance Company is directed to deposit the award amount, within a period of eight weeks, from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the appellants 1 and 2/ claimant 1 and 2 are entitled to share the award amount equally and they are permitted to withdraw the same.

5.The Tribunal is directed to issue the cheques to the parties concerned viz., Mrs.Lalli and Mr.M.Chandran, on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly.

-s/d-

1.Mrs.Lalli

-s/d-

2.M.Chandran

-s/d-

Counsel for the Appellants

-s/d-

The New India Assurance Company Ltd.,
No.45, Moore Street,Chennai-1.

-s/d-

Counsel for the 2nd Respondent

This Lok Adalat award is passed in terms of the above settlement

The Court fee paid shall be refunded to the parties 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.

-s/d-
Judge

-s/d-
Member

-s/d-
Member

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The parties/Advocate concerned
Copy to:

- 1.The Motor Accident Claims Tribunal,
(III Small Causes Court) at 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.+2 copies

C.M.A.No.377 of 2015

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