

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Wednesday, the 10th day of February, 2016

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Members

Mr.M.Mohamed Ismail
Mr.M.Boopathy

C.M.A.No.1122 of 2013

(Appeal against the order passed in W.C.C.No.239 of 2008 dated 31.12.2012 received by the appellant by post on 06.03.2013 on the file of the Commissioner for Workmen Compensation and the Deputy Commissioner for Labour-I, Chennai for enhancement of the compensation).

N. Sekaran ... Appellant/Petitioner

Vs.

The Management,
Holy Cross Convent,
Sathuvachari,
Vellore-632 009. ... Respondent/Respondent

This case came up for settlement before the Lok Adalat. Ms.B.S.Ajeetha, learned counsel for the appellant, and Mr. Anbarasan, on behalf of Mr.Xavier Arul Raj, learned counsel for the respondent, 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 appeal in C.M.A.No.1122 of 2013 pending on the file of High Court, Madras and preferred against the award passed in WCC.No.239 of 2008 on the file of Commissioner for Workmen Compensation and Deputy Commissioner of Labour - I, Chennai has been referred to Lok Adalat for conciliation today.

2. The petitioner/appellant assisted by counsel and the respondent/Management assisted by counsel are present before Lok Adalat for conciliation today.

3. This is the case of accident causing disability due to fall from tree and sustained injury by the petitioner/appellant. The Commissioner for Workmen Compensation and Deputy Commissioner for Labour - I, Chennai has awarded a compensation of Rs.1,08,654/- as against the claim of Rs.4,00,000/- by the petitioner. Aggrieved at the compensation awarded as mentioned above, the petitioner as appellant has come forward with this appeal.

4. After great deliberation and discussion, both parties have compromised the disputed claim at Rs.4,50,000/- in addition to the compensation of Rs.1,08,654/- awarded by the above said Commissioner for workmen Compensation towards full quit of the claim. It is made clear that in view of the compensation agreed between both parties as mentioned above, there will be no other claim on the part of the appellant against the Management. In connection with the matter relating to WCC.No.239 of 2008, a memo has been filed by both sides and the same has been recorded by Lok Adalat today.

5. Pursuant to the compromise arrived at between both parties, the respondent/Management has handed over a demand draft for Rs.4,50,000/- drawn in favour of the appellant, Mr.N.Sekaran on the South Indian Bank Limited, Vellore dated 09.02.2016.

6. The appellant is entitled to withdraw a sum of Rs.1,08,654/- deposited before the competent court along with accrued interest immediately. The memorandum of compromise will form part of the award. No order as to costs. Award is passed accordingly.

The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
N. Sekaran

Sd/-
Counsel for the appellant

Sd/-
The Management,
Holy Cross Convent,
Sathuvachari,
Vellore-632 009.

Sd/-
Counsel for the respondent

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The full Court fee paid shall be refunded to the appellants 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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Gv

To:

The parties/Advocate concerned

Copy to:

- 1.The Commissioner for Workmen Compensation and the Deputy Commissioner for Labour-I, 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.

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NRJK(CO)
CA(30/06/2016)

C.M.A.No.1122 of 2013