

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Service Committee

Tuesday, the 20th day of December, 2016

LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)

and

Members

Mr. Mohammed Ismail

Ms. S. Jayakumari

C.M.A No. 2287 of 2012

(Against the fair and decreetal order dated 11.01.2010
passed in M.C.O.P No. 686 of 2008 by the Learned Principal Sub
Judge, Motor Accident Claim Tribunal, Tiruppur)

Between

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Coimbatore.

... Appellant

Vs.

1.S. Baby,

W/o. K. Subramanian

2.Minor S. NaveenKumar

S/o. K. Subramanian

3.Minor S. Nandhini,

D/o. K. Subramanian

Minors rep. By their
Mother & Guardian Tmt. Baby

4.S. Subbammal,

S/o. Karuppan

5.The Managing Director,

State Express Transport Corporation ltd.
Annasalai, chennai-2.

...Respondents

This case came up for settlement before the Lok Adalat. Both the parties present. The learned counsel for the appellant Mr.S. Swaminathan and the learned counsel for the respondents Mr.C. Palraj 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

Eventhough the case was not listed today, this case is came up for settlement before the Lok Adalat at the instance of the both sides.

The Tribunal has awarded a sum of Rs.14,75,600/- with interest and at 7.5 % per annum as compensation. The Transport Corporation has deposited Rs. 25,000/- in the Tribunal.

2. After open and frank discussion with both the parties and their respective counsel, the dispute has been settled at Rs.21,00,000/- in full quit. The Transport Corporation is directed to deposit the settled amount after deducting the amount already deposited, if any, within a period of three months from the date of receipt of a copy of this order. On such deposit, the claimant/respondents are entitled to withdraw the deposit amount without filing any formal petition. Award is passed accordingly.

3. The Counsel for the respondents has filed a petition to declare minor Thiru S. Naveen Kumar, as major, by producing his copy of his Aadhar Card bearing no. 609286061037 as proof for the same. Accordingly, he is permitted to withdraw the amount awarded to him.

4. Since, the 3rd Respondent S. Nandhini is a minor, her share has to be invested in any one of the Nationalised Banks till she attain majority, the guardian of minor is entitled to withdraw the quarterly interest.

5. Tmt S. Subbammal, the 4th respondent has given authorisation infavour of S. Baby (1st Respondent) on his behalf for settlement proceedings and the same is permitted accordingly.

6. The Respondents are permitted to withdraw the modified amount as follows:-

Baby	-	11,00,000/-
Naveen Kumar-		4,25,000/-
Subbammal	-	1,50,000/-

7. 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 petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly.

sd/-
The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Coimbatore. sd/-
... Counsel for Appellant

Vs.

sd/-
S. Baby,
S. NaveenKumar
Minor S. Nandhini,
rep. By their
Mother & Guardian Tmt. Baby
S. Subbammal, S. Baby sd/-
... Counsel for Respondents

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.

sd/-
Judge
sd/-
Member sd/-
Member

To
The parties/Advocate concerned सत्यमेव जयते

Copy to:

1. The Principal Sub Judge, Motor Accident Claim Tribunal, Tiruppur
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 2287 of 2012

mp(co)
ss(23/01/2017)