

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 01st day of March, 2016

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE K.SWAMIDURAI (Retd.)
and

Members

Mr.T.Sankara Narayana Pillai
Mrs.S.Sujatha

C.M.A.No.3225 of 2009

(Appeal against the judgment and decree passed on 02.07.2008
made in M.A.C.T.O.P.No.3787 of 2002 on the file of the Motor
Accidents Claims Tribunal, Chennai (Additional District &
Sessions Court, Fast Track Court - V)

The National Insurance Company Ltd,
No.751, Anna Salai,
Chennai - 600 002.

...Appellant

/Vs/

V.Subbaiah (since deceased)

- 1.Karuppayee Ammal
- 2.Manikandan (Minor)
- 3.Manimegalai (Minor)
- 4.Jayachitra (Minor)
- 5.Manivannan (Minor)
- 6.Pechiyammal

Respondents 2 to 5 minors rep by
their mother Karuppayee Ammal.

7.V.Kothandan

...Respondent

On representation of the learned counsel for the claimants,
this case is taken up for settlement before the Lok Adalat.
Mr.S.Vadivel, learned counsel for the appellant and Mrs.Ramya
V.Rao, 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.4,70,625/- with interest at 9% per annum from the date of petition till the date of deposit and costs as compensation. It is represented by the appellant/Insurance Company that they have deposited entire award amount in the Tribunal.

2. Aggrieved against the award of the Tribunal, the appellant/Insurance Company has preferred the present appeal. After due deliberation and conciliation, both the parties have agreed to modify the award to a sum of Rs.3,45,625/- (Rupees Three lakhs forty five thousand six hundred and twenty five only) with interest at 7.5% per annum from the date of petition till the date of realization and costs.

3. It is represented that the respondents 2 to 4 attained the age of major and petitions have been filed to that effect. The Fifth Respondent is still a minor. The sixth respondent Pechiammal died on 23.03.2014. Her share is allotted to the respondents 1 to 5.

4.As the Insurance Company has deposited the entire award amount with interest, the first respondent namely Karuppayee Ammal is entitled to withdraw the modified award amount of Rs.2,25,625/- (Rupees Two lakh twenty five thousand six hundred and twenty five only) with proportionate interest. The respondents 2 to 4 are entitled to withdraw a sum of Rs.30,000/- (Rupees Thirty thousand only) each with proportionate interest.

5.The share of the minor/fifth respondent i.e.,Rs.30,000/- with proportionate interest shall be deposited in anyone of the nationalised banks in re-investment scheme till he attains majority. On attaining the age majority, the fifth respondent is permitted to withdraw his amount on production of age proof certificate before the Tribunal. The balance amount shall be refunded to the Insurance Company. Award is passed accordingly.

6.The Tribunal is directed to issue the cheques to the parties concerned on proper identification by his counsel concerned appearing before the Tribunal, without insisting on any formal petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected miscellaneous petition is closed, if any.

Sd/-

The National Insurance Company Ltd.,
No.751, Anna Salai,
Chennai - 600 002.

Sd/-

Counsel for the appellant

(LTI)

1.Karuppayee Ammal

Sd/-

2.Manikandan (declared as Major)
3.Manimegalai (declared as Major)
4.Jayachitra (declared as Major)

(LTI)

5.Manivannan (Still Minor)
Minor rep.by mother and
Natural Guardian Karuppayee Ammal

Sd/-

Counsel for the
Respondents

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

The Court fee shall be refunded to the appellant 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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

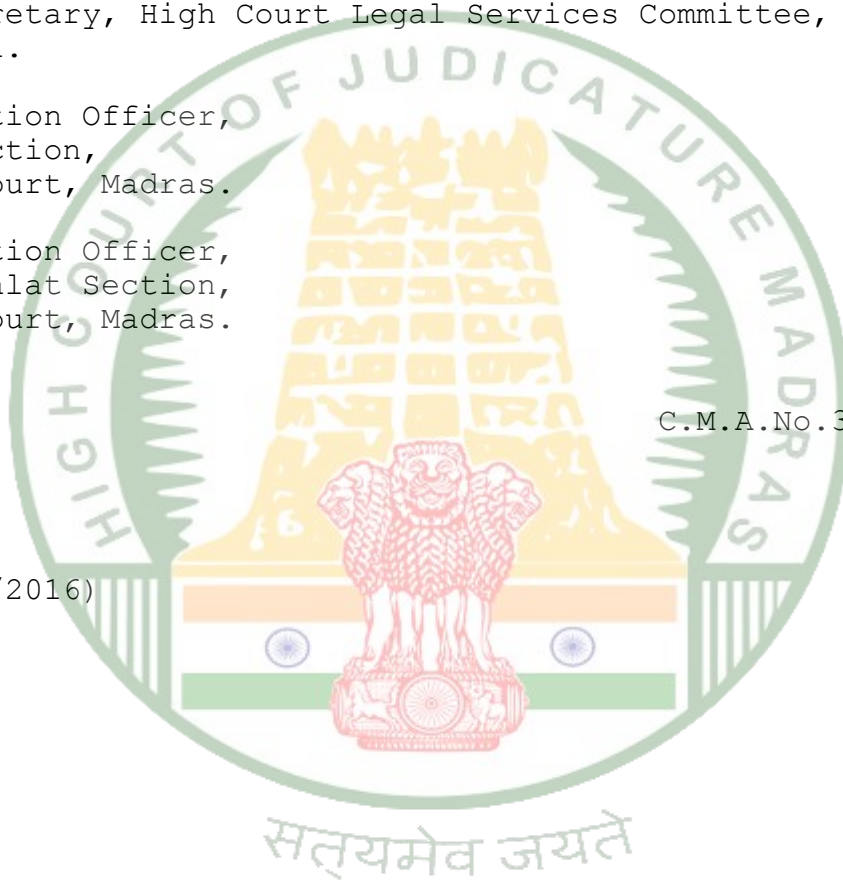
The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal,
Chennai (Additional District & Sessions Court,
Fast Track Court - V)
- 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.No.3225 of 2009

tej (CO)
srg (02/03/2016)



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