

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 14<sup>th</sup> day of July, 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.Manoharan  
Ms.A.G.Esther Dorothy

C.M.A No.614 of 2012

(Against the decree and judgment passed on 17.08.2011 in  
M.C.O.P.No.1284 of 2007 on the file of the Motor Accident Claims  
Tribunal (IV Court of Small Causes) Chennai).

The New India Assurance Company Limited,  
No.372, T.TK Road, Alwarpet,  
Chennai-18.

... Appellant

Vs.

1.L.Madankumar(Since died)  
(Amended as per order in  
M.P.No.2043/2010 dated 12.01.2011)

2.M.Shanthi

3.M.Prem

4.K.Rosi

5.L.Irudayamary(Died)  
(Respondents 2 to 4 are recorded as  
LRs of the deceased 5<sup>th</sup> Respondent  
as per the order of Memo 14.07.2016)

6.M.Sridhar (ex-parte)

... Respondents

This case came up for settlement before the Lok Adalat.  
Both the parties present. The learned counsel for the appellant  
Mr.J.Chandran and the learned counsel for the respondents  
Mr.G.Balajiprasad 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

One L.Madankumar(first respondent) having sustained injuries in a road accident filed claim petition for Rs.2,00,000/- and pending enquiry, he died. An attempt was made, after his death to say that his death was caused due to injuries sustained in the accident, not accepted by the lower Court. Ultimately, the lower Court has awarded a sum of Rs.1,35,000/- with interest thereon at 7.5% p.a from the date of petition, till the date of realisation, which is appealed by the appellant/Insurance Company.

2. By the intervention of the Lok Adalat, the parties on their own, without any influence, agreed to settle the matter and they arrived together at Rs.1,25,000/- (Rupees one lakh and twenty five thousand only) with interest thereon at 7.5% p.a. from the date of petition, till the date of realisation.

3. The appellant/Insurance Company is directed to deposit the modified award amount of Rs.1,25,000/- with interest thereon at the rate of 7.5% p.a. from the date of petition, till the date of realisation, within a period of four weeks, from the date of receipt of a copy of this order, if not already deposited.

4. Out of the modified award amount, the second respondent/second petitioner is entitled to Rs.75,000/- with interest thereon and Respondents 3 and 4/petitioners 3 and 4 are entitled to Rs.25,000/- each with interest thereon respectively. If the modified award amount is already deposited, respondents 2 to 4 are permitted to withdraw their respective share amount. The balance amount, if any, shall be refunded to the appellant/Insurance company, with interest if any.

5.The Tribunal is directed to issue the cheques to the parties concerned viz., 1. M.Shanthi 2. M.Prem 3.K.Rosi, 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 New India Assurance Company Limited,  
No.372, T.TK Road, Alwarpet,  
Chennai-18.

Sd/-

Counsel for the Appellant

Sd/-

1.L.Madankumar(died)

LTI/-  
2.M.Shanthi

Sd/-  
3.M.Prem

Sd/-  
4.K.Rosi

Sd/-  
Counsel for the 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

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To  
The parties/Advocate concerned

Copy to:

1.The Motor Accident Claims Tribunal,  
(IV Court of Small Causes), 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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PPA(CO)  
CA(23/08/2016)

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