

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

Wednesday, the 20th day of December, 2017

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE J.A.K.SAMPATHKUMAR, J. (Retd.)
and

Members

Mr.P.Subburaj, District Judge, (Retd)
Mr. S. Arokiamaniraj

C.M.A.No.1595 of 2014

(Appeal against the Award and decree passed on 14.02.2012 in
M.C.O.P.No.1470 of 2008 on the file of the Motor Accident
Claims Tribunal / Fast Track Court No.II, Chennai.)

1. Mrs. Meera Bai,
2. Mr.Ramesh,
3. Mr.Naresh,
4. Mr.R.Prakasam. ... Appellants/Respondents 1 to 4

Vs.

1.Mrs.Umadevi,
2.Ms.Ezhilselvi,
3.Santhosh Kumar,
(Respondents 2 & 3 declare of Major as per order
of the memo filed on 17.11.2017 by Lok Adalath Court - II).
4.M/s. United India Insurance Co.,
(The relief against the 4th respondent herein is
dismissed by the tribunal, hence no relief against
4th respondent herein.)

...Respondents

Though this case is not listed today, this case is taken
up for settlement before the Lok Adalat at the request of both
the parties. Both the parties are present. The learned counsel
for the appellant Mr.MA.P.Thangavel and K.Ramesh, and the
learned counsel for the Respondents, M/s.Inamdar Ameenur Rahman
& K.S.C.Sundaravadhanam are present. After mutual discussion,
negotiation, mediation and conciliation between both parties,
they arrived at a compromise to settle the matter as follows

ORDER

The second appellant Mr.Ramesh is present. Ramesh is also
representing on behalf of other appellants namely Mrs. Meera
Bai, Mr.Naresh, and Mr.R.Prakasam and the respondents and their
respective counsel are present. Power given on behalf of

Mr.Ramesh by other appellants shall form part of the record.

2. Joint memo of compromise filed it reads as follows:-

" The respondents 1 to 3 herein preferred a claim petition in M.C.O.P No.1470 of 2008, against the appellants as well as 4th Respondent. After contested the Learned Trial Court Judge has passed the award against the Appellants being the owner of the vehicle alone. Against the said Award the Appellants herein preferred this Appeal before this Honourable High Court Madras in C.M.A.No.1595 of 2014. In the said C.M.A Appellants and Respondents 1 to 3 entered into a compromise arrived before this Honourable Forum, with the following terms and conditions narrated herein:-

1. Both Appellants 1 to 4 and the Respondents 1 to 3 agreed and accepted that the Award amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) being the full and final settlement with regard to the Appeal in C.M.A as well as Award passed by the Trial Court.

2. The Appellants 1 to 4 paid Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) on 15.11.2017 and another sum of Rs.3,75,000/- (Rupees three lakhs seventy five thousand only) today i.e. 20.12.2017 altogether Rs.7,50,000/- (Rupees seven lakhs fifty thousand only) to the Respondents 1 to 3 in the following manner.

(i) Rs.1,25,000/- in favour of Umadevi, (1st respondent) bearing Demand Draft No.154480 dated 15.11.2017, drawn on Central Bank of India, Sothupakkam Branch.

(ii) Rs.1,25,000/- in favour of Ezhil Selvi, (2nd respondent) bearing Demand Draft No.154482 dated 15.11.2017, drawn on Central Bank of India, Sothupakkam Branch.

(iii) Rs.1,25,000/- in favour of Santhosh Kumar, (3rd respondent) bearing Demand Draft No.154481 dated 15.11.2017, drawn on Central Bank of India, Sothupakkam Branch.

(iv) Rs.1,25,000/- in favour of Umadevi, (1st respondent) bearing Demand Draft No.154527 dated 14.12.2017, drawn on Central Bank of India, Sothupakkam Branch.

(v) Rs.1,25,000/- in favour of Ezhil Selvi, (2nd respondent) bearing Demand Draft No.154526 dated 14.12.2017, drawn on Central Bank of India, Sothupakkam Branch.

(vi) Rs.1,25,000/- in favour of Santhosh Kumar, (3rd respondent) bearing Demand Draft No.154525 dated 14.12.2017, drawn on Central Bank of India, Sothupakkam Branch.

3. The Appellants herein deposited the further amount of Rs.4,50,000/- (Rupees Four lakhs fifty thousand only) towards the conditional order imposed by the Hon'ble High Court before division bench to condone the delay in filing the Appeal, to the Credit of the O.P. The Respondents 1 to 3 are permitted to withdraw the above said deposit amount along with accrued interest from the Court deposits. Since this Honourable Forum declared the minor Respondents 2 and 3 as majors there is no necessity to them to file petitions before the Tribunal for declaring them as majors.

4. The appellants are entitled to get the C.F paid on the Appeal refunded to them. Likewise the Court Fee paid by the Respondents 1 to 3 in the claim petition in M.C.O.P.No.1470 of 2008 may be ordered to be refunded to the Respondents 1 to 3."

3. In view of the joint memo of compromise the appeal is disposed of accordingly.

4. The Lower Court namely, Chief Judge, Court of Small Causes, (FAST TRACK COURT NO.II,) Chennai is directed to make payment of the entire amount deposited to credit of MCOP.No.1470 of 2008 together with interest if any to the claimants namely Mrs.Uma Devi, Ms.Ezhilselvi, and Mr.Santhosh Kumar with proper identification without filing any formal petition. Award is accordingly passed. The joint memo of compromise shall form part of the award.

5. The full Court fee shall be refunded to the plaintiff 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 and there shall be no demand for additional Court fee.

sd/-

1. Mrs. Meera Bai,
2. Mr.Ramesh,
3. Mr.Naresh,
4. Mr.R.Prakasam.

sd/-

(Mr.Ramesh, on behalf of
appellants No.1,3 and 4)

sd/-

Counsel for the Appellant

sd/-

1.Mrs.Umadevi,
2.Ms.Ezhilselvi,
3.Santosh Kumar,

sd/-

Counsel for the respondents

sd/-
Member

sd/-
Judge

sd/-
Member

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

To

The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes, (FAST TRACK COURT NO.II,) 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.1595 of 2014

RV(CO)
SP(14/02/2018)

सत्यमेव जयते

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