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Amended Award

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

Thursday, the 22nd day of February, 2018

LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM, (Retd.)
and

Members

Mr.K.Ramakrishnan (Retd., District Judge)
Mr.M.Sankar

C.M.A No.3150 of 2011 and
C.M.P No.1 of 2011

(Appeal against the award and Decree made in M.C.O.P.No.
492 of 2008, on the file of the Motor Accidents Claims Tribunal
(Fast Track Court, Additional District Judge) at Ariyalur dated
02.09.2010.)

The New India Assurance Company Ltd.,
No.7, Ramalinga Madalaya Theru,
Kugai, Salem - 636006.

.. 2rd Respondent / Appellant

Vs.

1.Sudha

2.Minor Vijay

3.Minor Vasanthi

Rep. by their mother & next friend Sudha, the 1st respondent
herein

4.Lakshmi (Died)

.. Petitioners / Respondents

5.K.V.Alagesan

.. 5th Respondent / Respondent

This case came up for settlement before Lok Adalat. Both
the parties are present. The learned counsel for the Appellant
Mr.M.Krishnamoorthy and the learned counsel for the R1 to R4 Ms.
R.Janagi, and learned counsel for the 5th respondent Mr.Giren
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.4,58,000/-
(Rupees Four Lakhs and fifty eight thousand only) with interest
at 7.5%p.a. as compensation from the date of petition till the
date of payment as compensation.



2. The appellant / New India Assurance Company Limited has preferred the present appeal against the above award. After due deliberation and conciliation, it is agreed by both parties that the award amount shall be modified as of Rs.4,00,000/-(Rupees four lakhs) with interest at 7.5%p.a., and the award is passed accordingly.

3. The Appellant / New India Insurance Company is directed to deposit the modified award amount within a period of eight weeks. On such deposit, the Petitioners /Respondents herein is permitted to withdraw the modified award amount without filing any formal application.

4. Out of deposited amount, as the 4th respondent died on 13.03.2013, her share with interest shall be paid to the minors Vijay and Vasanthi equally. The share of the deceased Rs.40,000/- with interest shall be divided between them in equal proportion and the balance amount for a sum of Rs.3,60,000/- shall be divided between Sudha and minors Vijay and minor Vasanthi in equal proportion.

5. The share of the both minor shall be invested in anyone of the nationalised banks till they attain majority, The 1st respondent / mother of minors is permitted to withdraw the quarterly interest for maintenance. On attaining majority, the minors are entitled to withdraw their respective shares as mentioned above on production of age proof certificate before the Tribunal same. Award is passed accordingly.

6. The Tribunal is directed to issue the cheque to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently connected miscellaneous petition is closed.

Sd/-

The New India Assurance Company Ltd.,
No.7, Ramalinga Madalaya Theru,
Kugai, Salem - 636006.

Sd/-

Counsel for the Appellant

Sd/-

1. Sudha

2. Minor Vijay

3. Minor Vasanthi

Rep. by their mother & next friend Sudha,

Sd/-

Counsel for the Respondents



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

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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/-
Member

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar (CS CCC)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal, (Fast Track Court, Additional District Judge.
- 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.+2copies

C.M.A No.3150 of 2011

KGK (CO)
sm:20.3.2018