

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

Thursday, the 09th day of November, 2017

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

Miss.V.Ahalya (D.J.Retd.,)

Mrs.R.Raj laksme

C.M.A.No.2336 of 2014

(This Civil Miscellaneous Appeal under Section 173 of Motor Vehicle Act, 1988 praying, against the Judgment and Decree made in M.A.C.T.O.P.No.3559 of 2012, on the file of the Motor Accidents Claims Tribunal, (V Judge, Court of Small Causes) Chennai, dated.30.10.2013.

The New India Assurance Co.Ltd.,
Regional Office, Third Party Cell,
No.45, Moore Street, Chennai-1. ... 2nd Respondent/Appellant

Vs.

1.Gowri Devi Srisrimal

2.Permchand Srisrimal

3.Vanitha Srisrimal ... Respondents 1,2&3/Claimants

4.V.Subburaj .. 4th Respondent

This case came up for settlement before Lok Adalat. Both the parties are present. Mr.M.Kirshnamoorthy, learned counsel appearing for the appellant and Mr.K.VaradhaKamaraj & Mr.R.Mohan Babu, learned counsel appearing for the respondents 1,2&3 are present. 4th Respondent is Exparte. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

This matter is not listed today. At request it is taken up for settlement.

2.This appeal is being filed by the New India Assurance Co.Ltd., against the Judgment and Decree,dated.30.10.2013, made in M.A.C.T.O.P.No.3559 of 2012, on the file of the Motor

Accidents Claims Tribunal, (V Judge, Court of Small Causes) Chennai.

3. In the Tribunal claimants are the Mother, Father and married Sister of the deceased in the accident. The Tribunal after hearing both sides passed an award for a sum of Rs.27,04,400/- (Rupees Twenty seven lakhs four thousand and four hundred only) with interest of 7.5% per annum. Questioning the award the present appeal has been filed by the New India Insurance Company.

4. Heard after negotiation the dispute has been settled as follows.

The matter after careful consideration and negotiation before this forum settled the amount at Rs.23,50,000/- (Rupees Twenty three lakhs fifty thousand only) with interest of 7.5% per annum from the date of petition (03.07.2012) till the date of deposit.

5. As per the order of the High Court when the appeal was filed by the Insurance Company they have deposited a sum of Rs.15,56,648/- (Rupees Fifteen lakhs fifty six thousand six hundred and forty eight only) and claimants were ordered to withdraw the entire deposited amount with an accrued interest thereon.

6. Accordingly, they have withdrawn the amount of Rs.15,81,648/- (Rupees Fifteen lakhs eighty one thousand six hundred and forty eight only). Now, the settlement before this forum is a sum of Rs.23,50,000/- (Rupees Twenty Three lakhs fifty thousand only) with interest at the rate of 7.5% per annum from the date of claim petition, till the date of deposit. For the balance of the settled amount the appellant/Insurance Company has to now deposit a sum of Rs.9,50,000/- (Rupees Nine lakhs fifty thousand only) with interest of 7.5% p.a., from the date of claim petition, till the date of deposit.

7. Accordingly, the Mother/1st Respondent is entitled for Rs.4,00,000/- (Rupees Four lakhs only) with 7.5 % interest from the date of petition, till the date of deposit, the Father/2nd Respondent is also entitled to Rs.3,50,000/- (Rupees Three lakhs fifty thousand only) with 7.5% interest and the married Sister/3rd respondent is also entitled to Rs.2,00,000/- (Rupees Two lakhs only) with the above said 7.5% interest and the above said three claimants are entitled to share the accrued interest from the date of claim petition, till the date of deposit. Accordingly award is passed.

8. The above said stated compromise effected between the parties, the insurance company is directed to deposit the balance amount within six weeks from the date of receipt of a copy of this order.

9.The Tribunal is directed to transfer the share amount by NEFT/RTGS to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition. This Civil Miscellaneous Appeal is Closed.

sd/-

The New India Assurance Co.Ltd.,
Regional Office, Third Party Cell,
No.45, Moore Street, Chennai-1.

sd/-

Counsel for the Appellant

sd/-

1.Gowri Devi Srisrimal

sd/-

2.Permchand Srisrimal

sd/-

3.Vanitha Srisrimal

sd/-

Counsel for the Respondent

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The parties/Advocate concerned

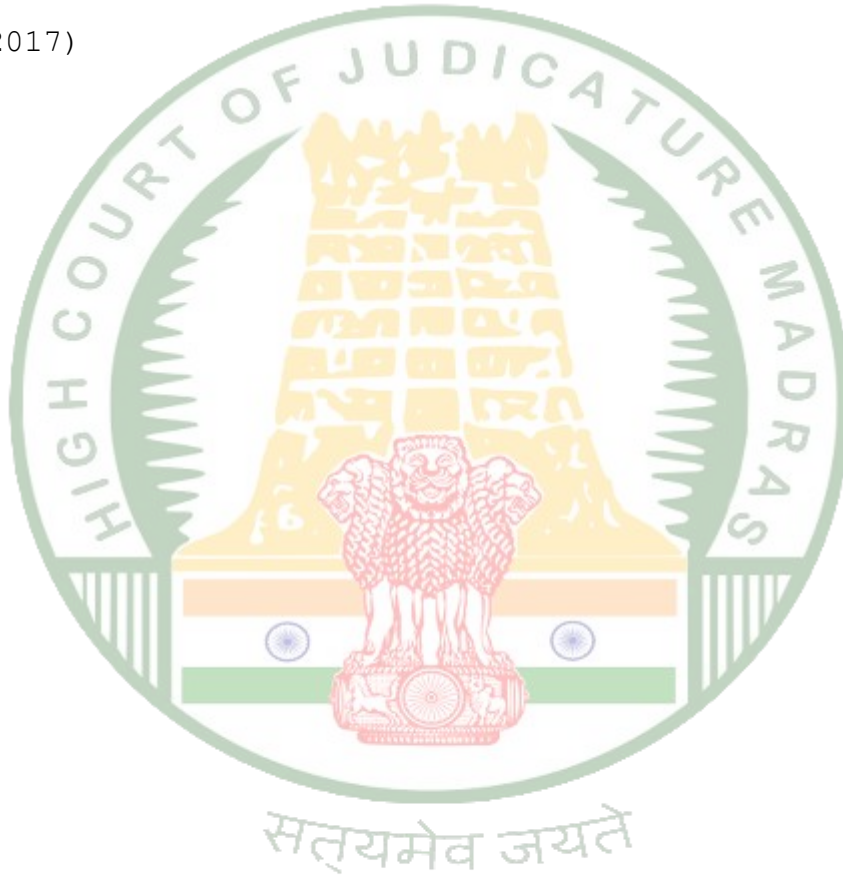
Copy to:

- 1.The Motor Accidents Claims Tribunal, (V Judge, 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.

C.M.A.No.2336 of 2014

GMR (CO)
SP (08/12/2017)



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