

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 24th day of March, 2017

LOK ADALAT AWARD

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

Presided by

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

Members

Mr. J.D. Rukmangathan.

Mr. V.Karthikeyan

C.M.A.No.406 of 2017

(Appeal against the award and decree passed on 07.01.2010
in M.C.O.P.No.1318 of 2007 on the file of the Motor Accidents
Claims Tribunal cum Principal Judge, Krishnagiri.

1.Vijaya

2.Minor Nandhini

3.Minor Gokul

4.Kullammal

5.Govindasamy

... Petitioner/Appellant

Vs.

1. Jeevarathinam

(Set Ex-Parte before tribunal)

2. Cholanmandalam MS General Insurance
Company Ltd.

Regional Office, 2nd Floor,

Wajeha Corporate Centre,

No.1, Village Road,

Nungambakkam, Chennai-34

... Respondents/Respondents

This case came up for settlement before the Lok Adalat.
Both the parties present. The learned counsel for the appellants
M/s.M. Selvam, M. Sathyan and the learned counsel for the
respondents M/s. N. Vijayaraghavan, A. Jeganathan 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

Both parties and their respective counsel are present.

1. Having not satisfied with the award passed by the
Tribunal, the claimant has filed the present appeal for the
enhancement of the compensation. The Tribunal has awarded for a

sum of Rs.11,84,325 (Rupees Eleven Lakhs eighty four thousand three hundred and twenty five only) as compensation with interest @7.5% which has already been withdrawn by the claimant.

2. The above appeal is filed for enhancement of further 10,00,000/- (Rupees Ten Lakhs only). After due deliberation and conciliation, the both parties have agreed to increase the award by Rs.9,00,000/- (Rupees Nine Lakhs Only) in full quit, over and above the amount already awarded by the Tribunal. The Insurance Company is directed to deposit the enhanced amount of Rs.9,00,000/- (Rupees Nine Lakhs only) within a period of six weeks from the date of receipt of a copy of this order.

3. On such deposit of enhancement of compensation by the Insurance Company, the 1st claimant being a wife is entitled to withdraw a sum of Rs.5,00,000/- (Rupees Five Lakh only) and the 4 and 5 Claimants are entitled to withdraw 50,000/- each. The balance amount Rs.3,00,000/- (Rupees Three Lakh only) shall be deposited in the name of two Minor Children namely 2nd and 3rd Claimants Rs.1,50,000/- (Rupees one lakhs and Fifty thousand only.) each. The said amount shall be deposited in the Nationalized Bank. On attaining majority Claimants 2nd and 3rd are entitled to withdraw the same without filing any formal petition. Award is passed accordingly.

4. 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 petition (Cheque petition). The Civil Miscellaneous petition is disposed of accordingly.

Sd/-
1. Vijaya
2. Minor Nandhini
3. Minor Gokul

LTI/-
4. Kullammal

Sd/-
5. Govindasamy

Sd/-
Counsel for the Appellants

Sd/-
Cholamandalam MS General Insurance
Company Ltd.
Regional Office, 2nd Floor,
Wajeha Corporate Centre,
No.1, Village Road,
Nungambakkam, Chennai-34

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

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned

Copy to

1.The Motor Accident Claims Tribunal
cum Principal Judge,
Krishnagiri.

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)

WEB COPY

C.M.A.No.406 of 2017

RSI (CO)
CA(10/08/2017)