

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 19 day of June, 2017

LOK ADALAT AWARD

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

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

Members

Mrs.Kanmani Selvam
Mrs.F.Rita

C.M.A.No.1231 of 2012

(Appeal against the judgment and decree passed on
27.07.2011 made in M.C.O.P.No.1577 of 2009 on the file of the
Motor Accidents Claims Tribunal (Additional District Judge &
Special Judge for EC act cases) Salem.

The Oriental Insurance Company Ltd,
114 - E, Chamundi Complex Four Roads,
Omulur Main Road,
Salem 636 007.

... Appellant/2nd Respondent

Vs.

1.Subbulakshmi
2.Thangaraj
3.Ramkumar

... Respondents/Petitioners

4.K.Chettiyappan ... 4th Respondent/1st Respondent
(4th Respondent remained Ex-party
and notice dispensed with for him)

This case came up for settlement before the Lok Adalat.
Both the parties are present. Mr.M.Krishnamoorthy, learned
counsel for the Insurance Company and the learned counsel for
the respondents 1 to 3 Mr.T.Ganesan 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.19,38,470/- with
interest at 7.5% per annum from the date of petition till the

date of deposit and costs as compensation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred this present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.18,75,000-(Rupees Eighteen Lakhs and Seventy Five Thousand only) in full quit as compensation.

3. It is represented by the learned counsel for the respondents that the entire award amount has already been deposited before the Tribunal.

4. The respondents 1 and 2 are parents and third respondent is the brother of the deceased. The Tribunal award amount of Rs.19.38,470/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, apportioning a sum of Rs.16,38,470/- to the first respondent, Rs.2,00,000/- to the second respondent and Rs.1,00,000/- to the 3rd respondent.

5. Before this Lok adalat, after open negotiation the dispute is settled at Rs.18,75,000/- in full quit. The Third respondent viz, brother of the deceased has given up, his share of settled amount of Rs.1,00,000/-to the respondents 1 and 2 equally. The award amount has already been deposited before the tribunal and a sum of Rs.6,49,733/- of the award amount has already been withdrawn by the respondents 1 and 2. The remaining award amount of Rs.12,25,267/- can be withdrawn by the respondents 1 and 2 equally. The appellant / Insurance Company is directed to withdraw the balance award amount with the entire accrued interest.

6. The Tribunal is directed to issue the cheques to the parties 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, if any.

Sd/-

The Oriental Insurance Company Ltd,
114 - E, Chamundi Complex Four Roads,
Omulur Main Road,
Salem 636 007.

Sd/-

Counsel for the Appellant

Sd/-

1.Subbulakshmi

Sd/-

2.Thangaraj

Sd/-
3.Ramkumar

Sd/-
Counsel for the Respondents 1 to 3

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

The full Court fee paid shall be refunded to the appellant 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

(Xerox Copy of Memo filed by the
3rd Respondent is enclosed)

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

To:
The parties/Advocate concerned

Copy to:

1.The Motor Accidents Claims Tribunal,
(Additional District Judge &
Special Judge for EC act cases)
Salem.

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

KGK(CO)
CA(10/07/2017)

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