

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Thursday, the 8th day of December 2018

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE D.KRISHNAKUMAR
and

Members

Mr.A.Manivasakam
Ms.V.J.Latha

C.M.A.No.2034 of 2007 and M.P.No.1 of 2007

(Against the award and decree passed on 27.06.2006 made in
M.C.O.P.No.519 of 2004 , on the file of the Motor Accident Claims Tribunal,
Cuddalore, [District Court, Cuddalore])

United India Insurance Co.Ltd.,
No.13-A, Nethaji Road, Cuddalore

.. Appellant/
2nd Respondent.

Vs.

1. Ezhumalai(died)

..1st respondent/Petitioner.

2.Malliga

W/o.Ezhumalai

3.Minor Nithya

rep. By Malliga/mother of Nithya

.. Respondents 2 and 3
/legal heirs of 1st respondent.

(Respondents 1 and 2 brought on record
as per memo recorded before Lok Adalat
by DKKJ on 08.12.2018)

4.S.Kannan

/Respondent No.4/1st respondent.

[Set exparte before the Tribunal]

This case came up for settlement before the Lok Adalat. Both parties are present. The counsel for the 1st respondent filed Memo seeking to record the death of 1st respondent. Further the legal heirs of 1st respondent viz., the minor daughter Nithya and Mother Malliga are sought to brought on record. The said memo is recorded. The learned Standing counsel for the appellant

Mr.D.Bhaskaran and the learned counsel for the first respondent and now on behalf of legal heirs of first respondent, Mrs.Ramya V.Rao, 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.1,68,200/- with interest at 7.5% per annum as compensation to the first respondent. Aggrieved by the award of the Tribunal, the appellant / Insurance company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the Award and settle the dispute before this Lok Adalat for the modified award amount of Rs.1,25,000/- with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation.

3. The Appellant/Insurance Company is directed to deposit the modified award amount of Rs.1,25,000/- with 7.5% per annum, before the Tribunal, within four weeks from the date of receipt of a copy of this order. On the above said modified award amount, the respondents / legal heirs of the 1st respondent are entitled to equal share of the modified award amount. On such deposit, the 2nd respondent / Malliga is permitted to withdraw her share, without filing any formal petition before the Tribunal. Insofar as 3rd Respondent/Minor Nithya is concerned, towards her maintenance, her mother is permitted to withdraw the interest accrued on the deposit of her share, once in three months. As such, her share shall be deposited in Fixed

Deposit in a Nationalised Bank, till she attains majority. The Award is passed accordingly.

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

United India Insurance Co.Ltd.,
No.13-A, Nethaji Road, Cuddalore

..Counsel for the Appellant

Ezhumalai(died) Memo recorded

1.Malliga

W/o.Ezhumalai, 1st respondent.

2.Minor Nithya

rep. By Malliga/mother of 2nd claimant

(as per memo recorded before Lok Adalat
by DKKJ on 08.12.2018)

..Counsel for the Respondents
/Claimants

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.

Judge

Member

Member

To

The parties/Advocate concerned

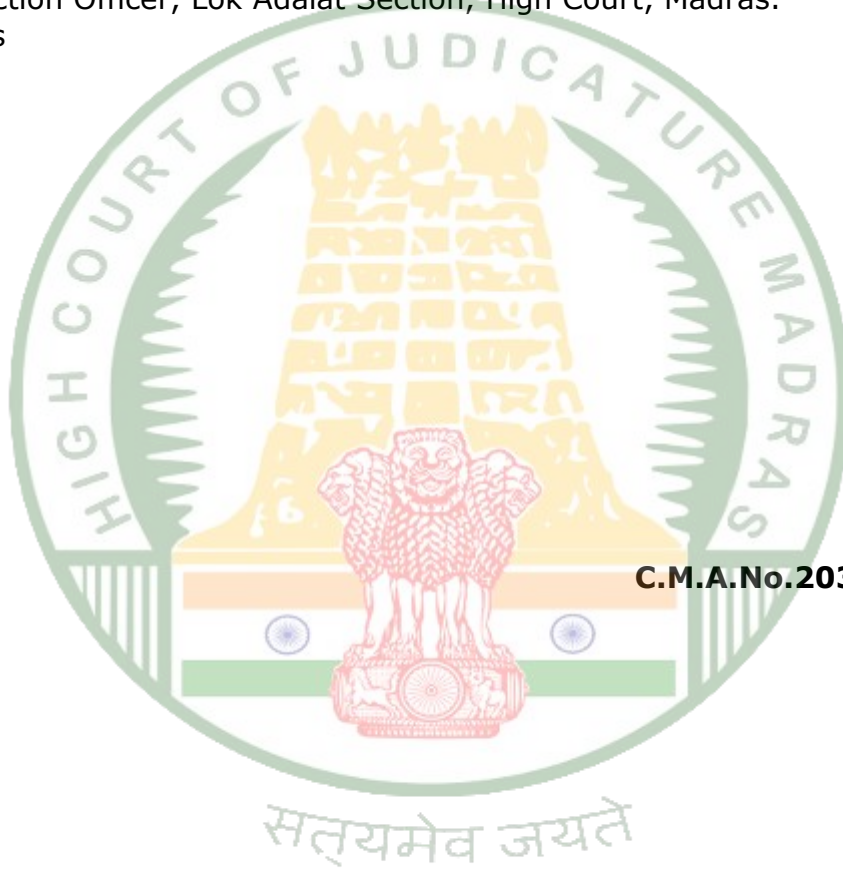
D.KRISHNAKUMAR, J.,

nvsri

Copy to

- 1.The Motor Accidents Claims Tribunal, Cuddalore.
 - 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.
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C.M.A.No.2034 of 2007

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