

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, 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 N.ANAND VENKATESH

and

Members

Mr.J.Venkatesa Perumal, District Judge (Retd)
Mrs.S.Agalya

C.M.A.No.1515 of 2015

(Appeal against the award made in MCOP No.317 of 2002 dated 26.03.2004 on the file of the Motor Vehicles Accident Claims Tribunal, Additional District Judge, Fast Track Court No.1, Coimbatore.)

Minor R.Karthikeyan
rep.by father and natural guardian
R.K.Rangasamy

... Appellant

Vs.

1.N.Ganesan

2.United India Insurance Company Limited
Divisional Manager,
Branch Office No.3, Bank Road,
Coimbatore – 641 018.

3.A.Sekar

4.B.Chinnasamy

5.National Insurance Company Limited,
Branch Manager,
No.403, B-10, Mettur Main Road,
Bhavani – 638 302.

.. Respondents

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.Gunalan, learned counsel for the appellant and Mr.S.Arunkumar, learned counsel for 5th respondent and Mr.C.Paranthaman, learned counsel for the 2nd respondent 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 compensation of Rs.6,00,000/- [Rupees Six Lakhs Only] along with interest at 9% per annum from the date of petition till realisation. While awarding so, the Tribunal directed both the insurance companies to pay the aforesaid amount in equal proportion of 50% each.

2. Being not satisfied with the quantum of compensation awarded by the Tribunal, the appellant/claimant has come up with this appeal, seeking enhancement of compensation. At the time of filing this appeal, the appellant/claimant was a minor and now, he has attained majority.

3. According to the appellant/claimant, who is present today, due to the injuries sustained in the accident, he lost his right hand completely and he suffered 85% disability. Taking into consideration the nature of the injuries and the permanent disability sustained by the appellant/claimant, both the respondent insurance companies have now together offered to pay an additional compensation of Rs.9,00,000/- over and above the compensation awarded by the Tribunal, including TDS in full quit and the same has also been agreed by the appellant/claimant, without making further claims.

4. In view of the above, both the respondent insurance companies are directed to deposit their respective share of additional compensation amount of Rs.4,50,000/- each, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is entitled to withdraw the entire compensation amount, without filing any formal petition.

5. The Tribunal is directed to transfer the compensation amount through RTGS/NEFT 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.

R.Karthikeyan
(now he became major)

Counsel for appellant

1.N.Ganesan

2.United India Insurance Company Limited
Divisional Manager,
Branch Office No.3, Bank Road,
Coimbatore – 641 018.

3.A.Sekar

4.B.Chinnasamy

5.National Insurance Company Limited,
Branch Manager,
No.403, B-10, Mettur Main Road,
Bhavani – 638 302.

Counsel for the respondents

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.

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Member Judge Member

To: The parties/Advocate concerned

N. ANAND VENKATESH, J

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Copy to:

- 1.Motor Vehicles Accident Claims Tribunal, Additional District Judge, Fast Track Court No.1, Coimbatore.
- 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

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08.12.2018