

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th Day of July, 2018

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Dr.JUSTICE S. VIMALA
and

Members

Mr. R.Jeyaratchakan
Mr. V.T.Balaji

C.M.A.Nos.1979 of 2012 and 2418 of 2011

Both the Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act 1988, against the Judgement and decree, dated 12.08.2010 made in M.C.O.P.No.1359 of 2006 on the file of the Motor Accident Claims Tribunal, Additional District Judge-II, Fast Track Court, Chennai.

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Villupuram Ltd.,
Vellore Division, Vellore.

... Appellant in
C.M.A.No.1979 of 2012
and Respondent in
C.M.A.No.2418 of 2011

सत्यमेव जयते
versus

1. R.Devi
2. R.Rani
3. C.Ragavan

... Respondents in
C.M.A.No.1979 of 2012
and appellants in
C.M.A.No.2418 of 2011

This CMA came up for settlement before the National Lok Adalat. Both the Parties are present. Mr.K.J.Sivakumar, learned standing counsel for the appellant in C.M.A.No.1979 of 2012 and Mr.T.G.Balakrishnan, learned counsel for the respondents in C.M.A.No.1979 of 2012 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

In respect of death of one Ravikumar, in an accident that took place on 19.11.2005, the legal representatives of the deceased filed a claim petition in M.C.O.P.No.1359 of 2006 before the Motor Accident Claims Tribunal, Additional District Judge-II, Fast Track Court, Chennai, claiming compensation of Rs.8,00,000/-. As against the claim made, the Tribunal has passed an award for a sum of Rs.4,23,000/-, payable with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit. Challenging the award as excessive, the Transport Corporation has filed C.M.A.No.1979 of 2012 and the claimants have filed C.M.A.No.2418 of 2011 stating that the award passed by the Tribunal is inadequate.

2. Now, both the parties have agreed to modify the Award to a sum of Rs.7,00,000/-, in full quit (inclusive of interests and costs). Hence, there shall be an award for a sum of Rs.7,00,000/- (Rupees Two lakhs only) in full quit.

3. It is represented by the learned counsel appearing for the Transport Corporation that the Transport Corporation has already deposited a sum of Rs.4,41,614/- before the Tribunal.

5. Hence, the Transport Corporation is directed to deposit the balance amount within a period of eight weeks from the date of receipt of a copy of this award. The claimants are entitled to the compensation as per the award passed by this Forum, as per the ratio of the apportionment made by the Tribunal. The Award is passed accordingly.

6. The Tribunal is directed to transfer the respective share of the claimants to their Savings Bank Account, through RTGS, on proper identification in accordance with the terms of the award, without insisting on any formal petition. The Civil Miscellaneous Appeals are disposed of accordingly. Consequently, the connected MP SR, if any, is closed.

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Villupuram Ltd.,
Vellore Division, Vellore.

... Counsel for the Appellant
in C.M.A.No.1979 of 2012

1. R.Devi

2. R.Rani

3. C.Ragavan

... Counsel for the Respondents
in C.M.A.No.1979 of 2012

This Lok Adalat Award is passed in terms of the above settlement. The Court Fees 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 (through Lok Adalat)

Copy to:

- 1.Motor Accident Claims Tribunal, Additional District Judge-II, Fast Track Court, Chennai.
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, Lok Adalat Section, High Court, Madras.
- 4.The Section Officer, VR Section, High Court, Madras.

Dr. S. VIMALA, J.,

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C.M.A.Nos.1979 of 2012
and 2418 of 2011

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