

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services
Committee

Sunday, the 22nd Day of April, 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.P.Ramalingam

Mr.M.Damodharan

Civil Miscellaneous Appeal No.1520 of 2016
& connected M.Ps., if any

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and decree, dated 20.01.2016 made in MCOP.NO.9 of 2014 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court, Vellore.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram.

... Appellant/R-2 before the Tribunal

Versus

1.Kuppammal

2.Vijaya

... Respondent/claimant

This CMA came up for settlement before the National Lok Adalat. Both the parties are present. Mr.K.J.Sivakumar, learned counsel for the appellant and Mr.M.Sivakumar, learned Counsel for the respondents / claimants 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

This Civil Miscellaneous Appeal has been filed by the Transport Corporation, challenging the award passed by the Claims Tribunal as excessive and disproportionate to the income of the deceased.

2. The Legal Representatives of the deceased, Duraisamy Raja, have filed a claim petition in M.C.O.P.No.9 of 2014 before the Motor Accident Claims Tribunal, I Additional District and Sessions Court, Vellore, claiming compensation of Rs.25,00,000/-. As against the claim made, the Tribunal has passed an award for a sum of Rs.7,95,000/-, 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 this appeal.

3. Now, both the parties have agreed to modify the Award to a sum of Rs.9,50,000/-, in full quit (inclusive of interests and costs). Hence, there shall be an award for a sum of Rs.9,50,000/- (Rupees nine lakhs fifty thousand only) in full quit. The appeal shall be disposed of, in terms of this compromise and there shall be no orders as to interest or costs in the appeal.

4. Hence the Transport Corporation / appellant is directed to deposit the modified amount of Rs.9,50,000/- (in full quit), the less amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this award. On such deposit being made, the first claimant / first respondent herein is entitled to withdraw a sum of Rs.6,5,000/- and the second claimant / second respondent herein is entitled to withdraw a sum of Rs.3,00,000/-. The Award is passed accordingly.

5. The Tribunal is directed to transfer the award amount to the claimants' Savings Bank Accounts, through RTGS, 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, the connected MP, if any, is closed.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Vellore.

...Counsel for the Appellant

1.Kuppammal

2.Vijaya

...Counsel for the
Respondents/claimant

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 of LSA Act 1987 as amended in 1994.

Judge

Member

Member

WEB COPY

To: The parties/Advocate concerned (through Lok Adalat)

Copy to:

1. Motor Accidents Claims Tribunal, I Additional District and Sessions Court, Vellore.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, Lok Adalat Section, High Court, Madras.
4. The Section Officer, V.R. Section, High Court, Madras.

Dr. S.VIMALA, J.,

srk



Civil Miscellaneous Appeal No.1520 of 2016
& C.M.P.s. if any.

WEB COPY

22.04.2018