

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

Civil Miscellaneous Appeal Nos.126 and 1305 of 2015

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act 1988, against the Judgement and decree, dated 08.10.2014 made in M.C.O.P.No.4235 of 2011 on the file of the Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

1. V.Jamunarani
2. V.Vithyalakshmi (Minor)
3. V.Deepan Chakravathy (Minor)
(Minors are represented by their mother Jamunarani)
4. K.Kanthammal @ Kanthamani
5. K.Natarajan @ Govindarajan

... Appellants in C.M.A.No.126
of 2015/ Respondents in
C.M.A.No.1305 of 2015

सत्यमेव जयते
versus

Tamil Nadu State Corporation Ltd.,
Rep. By its Managing Director,
Villupuram.

... Respondent in C.M.A.No.126
of 2015 / Respondent in
C.M.A.No.1305 of 2015

This CMA came up for settlement before the National Lok Adalat. Both the Parties are present. Mr.Senthilvelmurugan, learned standing counsel for the appellants in C.M.A.No.126 of 2015 and Mr.K.J.Sivakumar, learned counsel appearing for the respondent in C.M.A.No.126 of 2015 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 R.K.Venkatesan in an accident that took place on 21.08.2011, the Legal Representatives of the deceased filed a claim petition in M.C.O.P.No.4235 of 2011 before the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, claiming compensation of Rs.29,00,000/-. As against the claim made, the Tribunal has passed an award for a sum of Rs.14,72,500/-, 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 inadequate, the claimants have filed an appeal in C.M.A.No126 of 2015. Challenging the award as excessive, the Transport Corporation has filed C.M.A.No.1305 of 2015.

3. Now, both the parties have agreed to modify the Award to a sum of Rs.19,00,000/-, in full quit (inclusive of interests and costs). Hence, there shall be an award for a sum of Rs.19,00,000/- (Rupees Nineteen lakhs only) in full quit.

4. It is represented by the learned counsel for the Transport Corporation that the Transport Corporation has already deposited a sum of Rs.25,000/-.

5. Hence, the Transport Corporation is directed to deposit the balance amount, within a period of twelve weeks from the date of receipt of a copy of this award.

6. The claimants are entitled to the award amount as per the ratio of the apportionment made by the Tribunal.

7. On such deposit being made, the Tribunal is directed to transfer the share of the major claimants to their respective Savings Bank Accounts, through RTGS, on proper identification in accordance with the terms of the

award, without insisting on any formal petition. The share of the minor claimants/R2 and R3 shall be deposited in a fixed deposit scheme in any one of the Nationalized Banks, till they attain majority. The interest accrued thereon shall be withdrawn by the Guardian of the minor claimants, once in three months directly from the Bank.

8. It is represented by the learned counsel appearing for the claimants that the second claimant has attained majority.

9. It is open to the second claimant to file necessary application before the Tribunal for claiming her share amount.

10. The Civil Miscellaneous Appeals are disposed of accordingly. Consequently, the connected MP SR, if any, is closed. There shall be no orders as to interest or costs in the appeal.

1. V.Jamunarani

2. V.Vithyalakshmi (Minor)

3. V.Deepan Chakravathy (Minor)

4. K.Kanthammal @ Kanthamani

5. K.Natarajan @ Govindarajan

Counsel for the claimants

The Managing Director,
Tamil Nadu State Corporation Ltd.,
Villupuram.

... Counsel for the Appellant

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, (Court of Small Causes), 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.



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Dr. S. VIMALA, J.,

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14.07.2018

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