

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services
Committee

Thursday, the 8th day of February 2018

LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE T.N.VALLINAYAGAM (Retd.)
and

Members

Mr.T.Sankara Narayana Pillai, District Judge, (Retd.,)
Mrs. P.Subhadra Devi

C.M.A No. 1723 OF 2011

(Appeal against the Award and decree passed on 06.08.2010
in M.C.O.P.No.1373 of 2008 on the file of the Motor Accident
Claims Tribunal (Principal District Judge) Cuddalore District.)

The Divisional Manager
The New India Assurance Company Limited,
D.S.No.1, Bharathi Road
Cuddalore - 1.

.. Appellant

Vs.

1. Santhi
2. Ezhili (Minor)
3. Amizhthan (Minor)

(Respondents 2 and 3 are declared as major vide memo dt.
08.02.2018)

4. V.Ravikumar
5. Radha Ammal (died)

(4th respondent was Set exparte in Tribunal)

.. Respondents

This case is taken up for settlement before the Lok Adalat
at the request of both the parties. Both the parties are
present. The learned counsel for the appellant Mr.S.Manohar and
the learned counsel for the respondents 1 to 3 Mr.R.Sreedhar 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

Both the parties and their respective counsel are present.

The matter is posted for "being mentioned". The counsel for the respondent represented that the 5th respondent Radha Ammal mother of the deceased died on 07.01.2016. The death certificate is produced. The 2nd respondent minor was born on 24.12.1991 therefore she attained majority on 2009 and the 3rd respondent Amizhthan was born on 28.06.1994 and he attained majority on 28.06.2012 and a memo is filed to declare the 2nd and 3rd respondent as major and copies of the birth certificates are also produced. On the basis of the birth certificate the respondents 2 and 3 are declared as major. The death of 5th respondent is recorded. Her LR's are already on record. Her share of the award shall be given to respondents 1 to 3.

2. All the parties as well as the three remaining claimants have agreed for an award of Rs.13,50,000/- (Rupees thirteen lakhs fifty thousand only) with interest at 6% per annum from the date of petition till the date of deposit. The same amount shall be deposited within six weeks from today less amount already deposited in the Court. The three respondents Santhi, Ezhili and Amizhthan shall be entitled to 1/3 each on the deposited amount equally. The award is finally passed in the above terms.

3. The Tribunal is directed to issue the cheques to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly. The appellant is entitled to refund Court fee in this appeal.

Sd/-

The Divisional Manager
The New India Assurance Company Limited,
D.S.No.1, Bharathi Road
Cuddalore - 1.

Sd/-

Counsel for the Appellant

Sd/-

1. Santhi

Sd/-

2. Ezhili

Sd/-

3. Amizhthan

Sd/-

Counsel for respondents

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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

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

To

The parties/Advocate concerned

Copy to:

1. The Motor Accident Claims Tribunal
(Principal District Court) Cuddalore District.)
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)

C.M.A No. 1723 OF 2011

CNR (CO)
CS/14/03/18