

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 26th day of February, 2018
LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)
and

Members

Miss. V.Ahalya (DJ - Retd)
Mrs. S.Sujatha

C.M.A.No.1727 of 2015

(Appeal against the judgement and decree passed on
28.01.2011 in M.C.O.P.No.1547 of 2009 on the file of the Motor
Accidents Claims Tribunal, Principal District Judge, Cuddalore.

1. G.Anandavalli
2. D.Gunasekar
3. G.Sriram

..Appellants/Petitioners
Vs.

1. S.Krishnakumar
(Said exparte in Tribunal)
2. The Branch Manager,
Oriental Insurance Co., Ltd.,
Subha Govindam Buildings,
Imperial Road,
Cuddalore.

.. Respondents/Respondents

This case came up for settlement before the Lok Adalat.
Both parties are present. The learned counsel for the appellants
Miss.B.Kanikkai Arulmozhi for Mr.R.Sreedhar, and the learned
counsel for the second respondent Mr.S.Manokar 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 appeal has been filed against the order of the MCOP,
Cuddalore in O.P.No.1545 of 2009 awarding a compensation of
Rs.3,51,000/- with interest at 6% per annum from the date of
the petition till the date of deposit. The original claimants
were the mother, father, and the younger brother of deceased

Ashok who died in the Motor Accident. The third claimant's name is not mentioned in the legal heir certificate. Therefore, he is not entitled to any compensation as per law. The parents of the deceased have filed this present appeal challenging the award of the Tribunal. The parents of the deceased and their counsel are present. The Insurance Company is represented by their officer. We had a negotiation and discussion and finally the amount was settled at Rs.2,25,000/- in full quit over and above the Lower Court award Rs.3,51,000/-.

The amount awarded by the Tribunal has already been deposited in the Tribunal as represented by Insurance Company, totally to Rs.3,96,197/-. Therefore, the Insurance Company has to now deposit the settled amount of Rs.2,25,000/- in full quit over and above the award, as said earlier. The second appellant herein, the father of deceased, as submitted by him and their counsel is leaving for abroad Kuwait. Therefore, the entire amount can be withdrawn by the mother first claimant.

The Tribunal has ordered that the awarded amount with accrued interest, to be invested in fixed deposit in any Nationalised Bank at Cuddalore, to the credit of this petition in account of the claimants 1 & 2 jointly for a period of 3 years. The amount so deposited could not be withdrawn prematurely. However the claimants are at liberty to withdraw the accrued interest periodically.

Accordingly, the amount has been deposited the in Nationalised Bank at Cuddalore as informed by the Cuddalore Tribunal by Telephone to this Tribunal. Further, it is known by the telephonic information that the amount comes to with interest accrued, after renewal for a period of six years, a sum of Rs.6,50,499/-, which has been now in court deposit.

The settled amount of Rs.2,25,000/- before this forum, the Insurance Company / second respondent is directed to deposit within a period of four weeks. After deposit of the settled amount of Rs.2,25,000/-. The entire compensation, namely, Rs.8,75,499/- can be withdrawn by the first claimant the mother of the deceased, without filing any formal petition, as agreed by the second claimant the father of the deceased, who is present in before this forum.

The Tribunal is directed to issue the cheque to the party 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. Consequently, connected Miscellaneous Petition is closed, if any.

-a/s-

1. G.Anandavalli

-s/d-

2. D.Gunasekar

-s/d-

3. G.Sriram

-s/d-

Counsel for Appellants

-s/d-

The Branch Manager,
Oriental Insurance Co., Ltd.,
Subha Govindam Buildings,
Imperial Road,
Cuddalore.

-s/d-

Counsel for Respondent

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.

-s/d-
Judge

-s/d-
Member

-s/d-
Member

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

WEB COPY

To: The parties/Advocate concerned
Copy to:

1. The Motor Accidents Claims Tribunal Principal District Judge, Cuddalore.
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.1727 of 2015

skv(co)
aa03/05/2018



WEB COPY