

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 26th day of July, 2018

LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE S.K.KRISHNAN(Retd.)

and

Members

Mr.P.Subburaj

Mr.S.Rajeswaran

C.M.A.No.2730 of 2017 & C.M.P.No.15360 of 2017

(Appeal against the judgment and decree dated 10.01.2017
made in M.C.O.P.No.399 of 2010 on the file of the Motor
Accidents Claims Tribunal (IV Court of Small Causes, Chennai).

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram-600 001.

.. Appellant/4th Respondent

Vs.

1.Thulasi Devi

2.Tharun

3.Arunikaa

..Respondents/Petitioners

Respondents 2 & 3 are minors
Rep.By their mother & Natural Guardian,
Tmt.Thulasi Devi.

No.53, East Lyn Apartments,
No.157, 2nd floor, Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.

4.The Managing Director,
State Express Transport Corporation TN Ltd.,
No.2, Thiruvalluvar House,
Pallavan Road, Chennai - 600 002.
(given up)

5.K.Rukmani
C.B.Kubendran (died)

..Respondents 4 & 5/Respondents 1 & 2

This case is listed today. On representation of the counsel for respondent and Transport Official, this case is taken up for settlement before the Lok Adalat. Both the parties are present. Mr.K.J.Sivakumar learned counsel for the appellant and Mr.S.Praveen Alexander, learned counsel for the respondent are present and Mr.Elangovan, General Manager, Tamil Nadu State Transport Corporation 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

The appellant herein is a Managing Director, Tamil Nadu State Transport Corporation, Kancheepuram. This appeal has been preferred by the appellant against the order passed by the IV Small Causes Court, Chennai in M.C.O.P.No.399 of 2010. At the of conclusion of Trial the accident Tribunal awarded a sum of Rs.58,94,700/- with interest 7.5% in favour of the respondents.

2.It is stated that an accident was occurred on 02.03.2008 at 6.30a.m a Bus bearing Registration No.TN 21 N 1048 which was proceeding from Pondicherry to Chennai. When the vehicle was nearing the limit of Cheyyur Police Station, Othaiyur Village, at East Coast Road dashed against the vehicle Maruti Suzuki Car bearing Registration No.TN 07 V 6735 which was proceeding from Madras to Pondicherry. It is stated that Bus bearing the Registration No.TN 21 N 1048 which was proceeding from Pondicherry dashed against the car. As a result of that, the driver who drove the Car sustained severe injuries and died on the spot itself. Subsequently, a complaint was lodged before the Cheyyur Police Station about the occurrence. The case was registered against the Car Driver.

3.For causing of death of the deceased Manoharan who drove the Car at the time of occurrence, his wife Thulasi Devi and others filed a claim petition before the IV Small Causes Court, Chennai. Though, they sought for relief of compensation a sum of Rs.15,00,000/-. However, the tribunal after verifying the evidence and documents awarded a sum of Rs.58,94,700/- with interest @ 7.5/-.

4.Aggrrieved against the said award the State Transport Corporation preferred this appeal.

5.When this case was taken up for hearing, the learned Counsel for the respondent as well as the officer representing

the State Transport Corporation is present. It is seen that both parties have already discussed the matter for arriving amicable settlement in this case. As a result of amicable discussion and settlement both of them have agreed for a settlement amount of Rs.50,00,000/- as a full quit. This settlement award bears no interest.

6. Taking into consideration of the settlement arrived between the two parties, this Lok Adalat Court pass the following order. At the time of hearing this appeal, the learned Counsel for the respondent would submit that the petition was already filed for attachment of vehicles (State Transport Corporation). The attachment order against the appellant. (12 buses. The said order passed in E.P.No.282 of 2017 by the IV Small Causes Court, Chennai.)

7. Taking into consideration reasons stated by both the parties this Court is inclined to pass the following order. The appellant is directed to deposit a sum of Rs.50,00,000/- in full quit, less the amount already deposited if any. Out of agreed award passed by this Adalat. 50% of the said award (25 lakhs) has to be deposited by the appellant within the 8 weeks. Thereafter, the remaining amount has to be deposited by the appellant within the 4 weeks from the date of receipt of copy of this order. Failing which attachment proceedings will continue in E.P.282 of 2017 before the IV Small Causes Court, Chennai.

8. On such deposit, the respondents/claimants are permitted to withdraw the above said modified award amount as apportioned by the Tribunal without filing any formal petition. Award is passed accordingly.

9. 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. Connected Miscellaneous Petition is closed.

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.

The Managing Director,

Tamil Nadu State Transport Corporation, sd/-

Kancheepuram-600 001.

..Counsel for the Appellant

Vs.

sd/-

1.Thulasi Devi

2.Tharun

(minor)

3.Arunikaa

(minor)

Respondent 2 & 3 are minors

Rep.By their mother & Natural Guardian.

sd/-

..Counsel for the Respondents

sd/-

Judge

sd/-

Member

sd/-

Member

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

To

The parties/Advocate concerned

Copy to:

1.The Motor Accidents Claims Tribunal (IV Court of Small Causes, Chennai)

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.2730 of 2017

BR(CO)

SP(12/09/2018)y

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