

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th day of September, 2018

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE C. SARAVANAN
and

Members

Mrs.D.Shantha Kumari (Retd. District Judge)
Mrs.G.A.Girija Venkatramanan

C.M.A.No.513 OF 2018

[Civil Miscellaneous Appeal against the judgment and decree passed on 11.07.2017 in MCOP.No.3523 of 2015 on the file of the Motor Accidents Claims Tribunal (I Additional District Court) Cuddalore.

1.Selvam

2.Minor Ranjithkumar

3.Minor Krishnakumar

(Minors 2 and 3 /appellants are represented by their father Selvam as Next Friend and Next Guardian)

.. Petitioners

Vs.

1.R.Kadhiravan

(1st Respondent set exparte before the Tribunal)

2.The Divisional Manager,
United India Insurance Co., Ltd.,
DO, 13-A, Nethaji Road,
Cuddalore 607 001.

.. Respondents

Though this case is not listed today, it is taken up for settlement before the Lok Adalat at the instance of the learned counsel for the appellant. Both the parties are present. The learned counsel for the appellant Mr.R.Sreedhar and the learned counsel for the 2nd respondent, Mr.D.Baskar are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they have arrived at a compromise to settle the case as follows:

TERMS OF SETTLEMENT

The Tribunal has awarded a sum of Rs.8,56,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the appellant that the entire award amount has already been deposited before the Tribunal.

2. Not satisfied with the award of the Tribunal, the appellant-claimant has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.3,25,000/- (Rupees Three lakhs twenty five thousand only) in full quit over and above the amount awarded by the Tribunal as compensation in the following proportion.

- i) The husband of the deceased i.e. 1st respondent shall receive a sum of Rs.1,25,000/- (Rupees one lakh and twenty five thousand only)
- ii) The sons of the deceased i.e. Respondents 2 and 3 shall receive a sum of Rs.1,00,000/- each (Rupees one lakh only).

3. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.3,25,000/- (Rupees three lakhs and twenty five only) in full quit (inclusive of interest), within a period of six weeks from the date of receipt of a copy of this order, failing which, shall pay interest at the rate of 9% per annum from this date till the date of default. On such deposit, the first respondent is permitted to withdraw his respective shares without filing 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. Accordingly, the civil miscellaneous appeal is settled.

4. 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 permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected

Miscellaneous Petitions are closed, if any.

1.Selvam

2.Minor Ranjithkumar

3.Minor Krishnakumar

Counsel for the Appellants

2.The Divisional Manager,
United India Insurance Co., Ltd.,
DO, 13-A, Nethaji Road,
Cuddalore 607 001.

Counsel for the 2nd respondent

This Lok Adalat award is passed in terms of the above settlement.

The Court fee 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.

Member

Member

Judge

सत्यमेव जयते

To:

The parties/Advocate concerned

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C.SARAVANAN,J.

kkd/rsi

Copy to:

- 1.The Motor Accidents Claims Tribunal, (I Additional District Court)
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.



C.M.A. No.513 OF 2018

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