

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee
Saturday, the 08th day of December, 2018

LOK ADALAT AWARD

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

Presided by

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

Members:

Mr. A.Selvadoss
Mrs.N.Mala

and

C.M.A.No.632 of 2018

(Appeal against the judgment and decree passed in M.C.O.P.No.4436 of 2008 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai dated 15.11.2012).

1. Nandhini
2. M. Karthick (Minor)
3. M. Karan (Minor)
- (Appellants 2 and 3 are Rep.
by their mother and next friend Nandhini)
4. Chinnakulandhai

...Appellants

Vs.

1. M.Meenambigai
No.34, 1st Street, Vivekanandhar Nagar,
Chitlapakkam, Chennai-73.
2. Bajaj Allianz General Insurance Company Ltd.,
Prince Towers, 5th Floor, No.25/26,
College Road, Nungambakkam,
Chennai – 6.

..Respondents

Both the parties are present. The learned counsel for the appellants, Ms.Ramya V.Rao, is present. The learned counsel for the second respondent Mr.S.Manokaran is 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 Tribunal has awarded a sum of Rs.8,39,840/- with interest at 7.5% p.a. from the date of application till the date of deposit as compensation. Not being satisfied with the award passed by the Tribunal, the appellants/claimants have preferred the present appeal for enhancement.

2. After due deliberation and consultation both the parties agreed to settle the claim for a sum of Rs.75,000/- (Rupees Seventy Five thousand only) in full quit over and above the award passed by the Tribunal. The wife of the deceased i.e.1st appellant is entitled to receive the entire amount.

3. The second respondent/Insurance Company is directed to deposit Rs.75,000/- (Rupees Seventy Five thousand Only) in full quit, within a period of eight weeks from the date of receipt of a copy of this award, to the credit of M.C.O.P.No.4436 of 2008 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Court,

Chennai. On such deposit being made, the first appellant is permitted to withdraw the said amount of Rs.75,000/- (Rupees Seventy Five thousand Only) on filing proper application. Award is modified accordingly.

4. The Tribunal is directed to transfer the above said award amount to the Bank account of the appellants/claimants by way of NEFT/RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

5. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected miscellaneous petition, if any, is closed

1. Nandhini

2. Chinnakulandhai

Counsel for Appellants

Bajaj Allianz General Insurance Company Ltd.,
Prince Towers, 5th Floor, No.25/26,
College Road, Nungambakkam,
Chennai – 6.

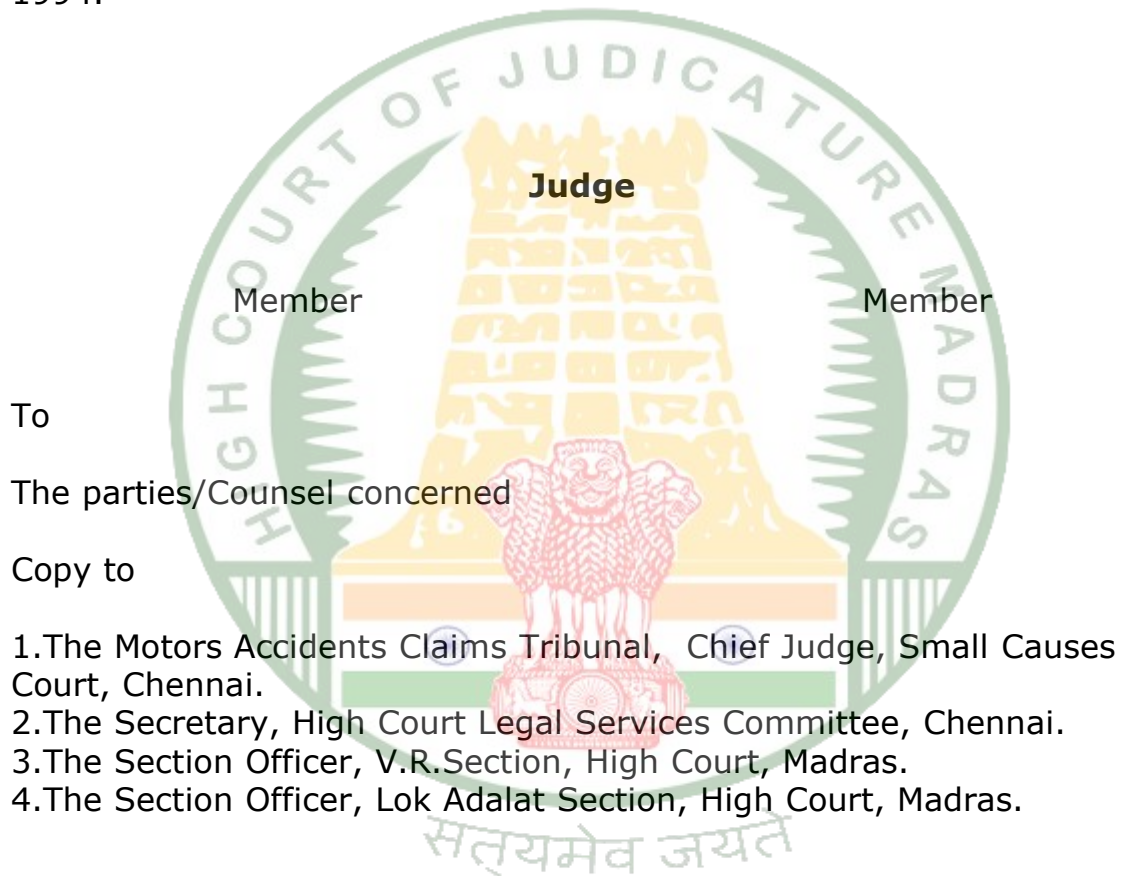
Counsel for second
Respondent

This Lok Adalat award is passed in terms of the above

M.DHANDAPANI.J,

rsi/kas

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.



To

The parties/Counsel concerned

Copy to

- 1.The Motors Accidents Claims Tribunal, Chief Judge, Small Causes Court, 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.

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08.12.2018