

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 30th day of August 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.K.KRISHNAN (Retd.)
and

Members

Mr.K.Ramakrishnan
Ms.Henrietha Chinnathambi

C.M.A.No.2111 of 2007 and M.P.No.1 of 2007

(Appeal against the judgment and decree dated 14.10.2005 made in M.AC.T.O.P.No.94 of 1997 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankari)

Ponraju .. Appellant/3rd Respondent

Vs.

1. Periyathami
 2. Pappathi
 3. Kamala
 4. T.R.C.Murthy
 5. M/s New India Assurance Company Limited,
Divisional Office,
Five Roads,
Salem
State of Tamil Nadu.
- .. Respondents/Petitioner/
Respondent 1 and 2

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.P.M.Duraiswamy, learned counsel for the appellant and Ms.Sreevidya, learned counsel for the fifth respondent 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

As far as the appeal is concerned, only the quantum of apportionment of the award amount against in laws of the appellant and as well as the sister-in-law who are respondents 1 to 3 in this appeal, have been challenged by the appellant. It is stated that the present appellant, the father of the deceased herein was cited as R3 in the original claim petition before the Court below. While passing the award of

Rs.2,33,200/- by the Trial Court, the appellant/R3, viz. the father of the deceased apportioned award of Rs.83,200/- and the respondents 1 to 3 herein were apportioned Rs.50,000/- each. The appellant herein withdrew his share of the award with accrued interest. It is stated by the learned counsel for the appellant that the respondents 1 and 2 herein, viz., the claimants 1 and 2 also withdrew their respective share of the award amount with accrued interest. It is stated by the appellant and as well as R3 herein, the respondents 1 to 2 herein had expired. The Trial Court itself has permitted R3 herein to withdraw Rs.25,000/- out of her share of the award with accrued interest. Accordingly she withdrew the said amount Rs.25,000/- with accrued interest. The balance of Rs.25,000/- is yet to be disbursed by the Trial Court and the same is stated to be lying in the bank deposit to the credit of the third respondent herein.

2. When this appeal is taken up for hearing today, learned counsel for the appellant, viz., Mr.P.M.Duraiswamy, would submit that the matter has mutually settled between the parties. In furtherness of the settlement arrived between the parties, the counsel would submit that the appellant and the third respondent herein, have agreed to receive 50% of the balance of amount of Rs.25,000/- with accrued interest lying to the credit of the third respondent herein.

3. As per the settlement arrived between the parties as stated above it is ordered that the third appellant is entitled to receive the 50% remaining balance of award with accrued interest. Similarly the appellant father of the deceased is also directed to receive the balance of 50% of the amount with accrued interest lying to the credit of the third respondent in the appeal, viz., Kamala. The fourth respondent herein being the owner of the vehicle involved in the accident is a formal party respondent herein. With the above stated terms and conditions, the Civil Miscellaneous Appeal is disposed of accordingly. Consequently consequently miscellaneous petition is closed.

4. The Tribunal is directed to issue the cheques / credit the amount to account of the parties through RTGS, on proper identification of the parties concerned in accordance with the terms of the award, without insisting on any formal permission petition.

Sd/-
Ponraju

Sd/-
Counsel for the Appellant

Sd/-
1. Kamala
<https://hcservices.ecourts.gov.in/hcservices/>

Sd/-
Partyin-Person

Sd/-

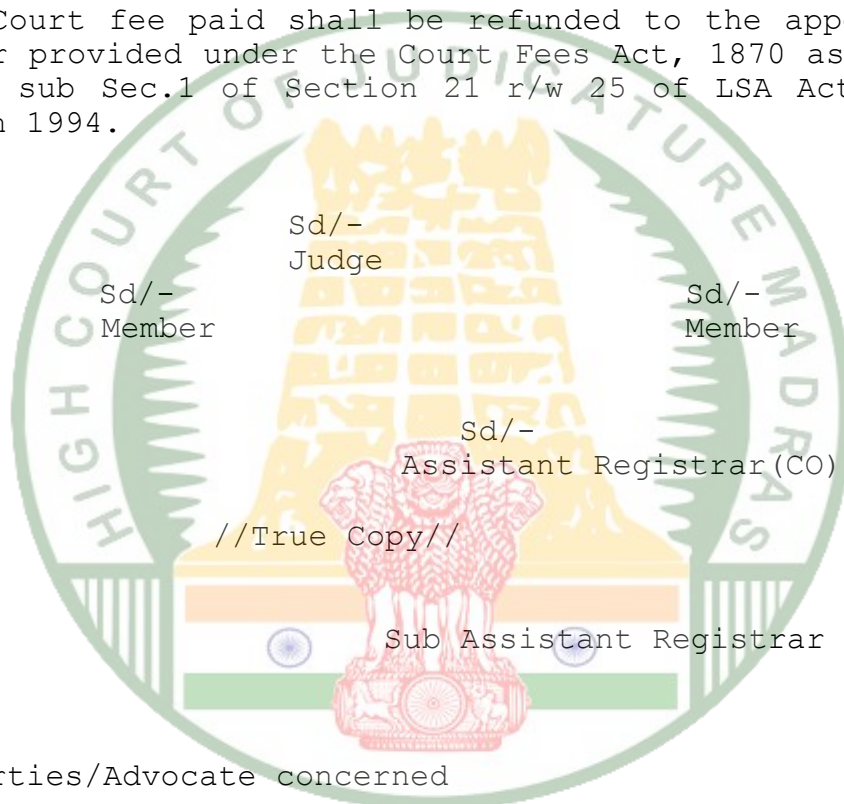
2. M/s New India Assurance Company Limited,
Divisional Office,
Five Roads,
Salem
State of Tamil Nadu.

Sd/-

Counsel for the Respondents

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

The Court fee paid shall be refunded to the appellant 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/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Sub Court, Sankari.
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

WEB COPY

C.M.A.No.2111 of 2007
and M.P.No.1 of 2007

AK(CO)
EU(03/10/2018)