

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Thursday, the 19th day of April, 2018

LOK ADALAT AWARD

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

Hon'ble Mr.JUSTICE A.RAMAMURTHI (Retd.)
and

Members

Mr.K.Ramakrishnan, District Judge, (Retd.),
Mr.Balu Sekar

C.M.A No. 1868 OF 2012

(Appeal against the Award and decree passed on 20.08.2011
in M.C.O.P.No.463 of 2008 of on the file of the Motor
Accident Claims Tribunal (Principal District Judge) Krishnagiri.)

R.Nagarajan .. Appellant/1st Respondent

Vs.

1. C.Ramamoorthy .. RR1 & 2/Petitioners
2. Perumal (died)
3. United India Insurance Company Limited,
IIA, M.C.Road, Ambur 635 802. .. R3/2nd Respondent
(3rd respondent given up in the CMA.No.1868 of 2012)
4. R. Gawaskar
(4th respondent impleaded vide order dated 19.04.2018)
..Respondents

This case came up for settlement before the Lok Adalat.
Both the parties are present. The learned counsel for the
appellant Mr.K.Sathishkumar and the 1st respondent is appeared
and represented as party in person. The 3rd respondent is given
up. The learned counsel for the 4th respondent Mrs.Dr.R.Gouri
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

Appellant, first respondent present. The appellant has preferred the present appeal aggrieved against the award of Rs.4,45,000/- with interest at 6% per annum as compensation.

2. The 3rd respondent insurance company has been exonerated by the Trial Court. After filing the appeal second respondent Mr. Perumal died on 22.02.2016 and death certificate also filed and recorded. Now the parties have filed a memo to settle the matter for Rs.2,50,000/- in full quit and inclusive of interest. It appears that the appellant has already deposited a sum of Rs.2,25,000/- in the Trial Court, if the amount has been invested interest will also be accrued. Including interest, the claimant is entitled to withdraw a sum of Rs.2,50,000/-. If the amount has not been invested the appellant to pay a sum of Rs.25,000/- to the claimants.

3. Mr.Gawaskar, is the son of respondent 1 and 2 and he has filed a School Transfer Certificate showing the date of birth on 21.05.1984 he has also produced the Aadaar Card. Dr.R.Gouri, Advocate filed Vakalat on behalf of Mr.Gawaskar. Hence, Mr.Gawaskar is brought on record as the 4th respondent since the first respondent had appeared party-in-person he has also produced Aadaar Card copy to prove his identity. Hence, the award is modified, directing the respondents 1 and 4 to collect a sum of Rs.2,50,000/- and if any deficiencies found the appellant is entitled for reimbursement. Award is passed accordingly.

4.The Tribunal is directed to issue the cheques to the party concerned on proper identification in accordance with the terms of the award, without insisting on any formal petition (Cheque petition). The Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-
R.Nagarajan

Sd/-
Counsel for the Appellant

Sd/-
C.Ramamoorthy (Party-in-person)

Sd/-
R. Gawaskar

Sd/-
Counsel for the 4th 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Member

* Xerox copy of memo of compromise enclosed

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

To
The parties/Advocate concerned

Copy to:

- 1.The Motor Accident Claims Tribunal,
(Principal District Judge) Krishnagiri.)
- 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. (+3 Copies)

C.M.A No. 1868 OF 2012

RV (CO)
CS/27/6/18

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