

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services
Committee

Wednesday, the 21st day of February 2018

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)

and

Members

Mr.V.Arumugam

Mr.M.Boopathy

C.M.A.No.3459 of 2010

(Appeal against the judgment and decree dated
31.03.2010 made in M.C.O.P.No.3 of 2009 on the file of
the Motor Accidents Claims Tribunal, Sub Court, Pollachi.

Managing Director

Tamil Nadu State Transport Corporation Ltd.,

Coimbatore Division I,

37, Mettupalayam Road, Coimbatore. ... Appellant/Respondent

Vs.

1. S.Mallika

2. Minor.S.Santhoshkumar

3. Minor.S.Saravanakumar

(Minors represented by Mother & Guardian
S.Malliga)

4. P.Ramathal

... Respondents/Petitioners

This case is came up for settlement before Lok Adalat today. Both parties are present. Mr.K.J.Sivakumar learned counsel for the appellant and the respondents parties are present in person. 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 appeal in CMA.No.3459 of 2010 pending on the file of High Court, Madras preferred against the award passed in MCOP.No.3 of 2009 on the file of Sub Court, Pollachi, has been referred to Lok Adalat for Conciliation today. The appellant who is the respondent before the Tribunal represented by Mr.R.Prabhu Deputy Manager Legal assisted by counsel Mr.K.J.Sivakumar Advocate and respondents who are petitioners before the Tribunal are present before Lok Adalat today personally.

This is a case of fatal accident. The Tribunal has awarded a sum of Rs.5,69,000/- with interest at 7.5% per annum from the date of petition till the date of deposit of

the amount. Both parties, after great deliberation and discussion in this appeal, have compromised the disputed claim at Rs.7,00,000/- towards full quit of the claim. Admittedly the entire award amount with interest and cost has already been deposited before the competent court.

In view of the compromise arrived at between both parties, the Lok Adalat here by declare and decree that the appellant / Transport Corporation shall pay a sum of Rs.7,00,000/- to the respondents 1 to 4 / petitioners 1 to 4 towards full quit of the claim and the said amount shall be apportioned between respondents 1, 2, 3 & 4 at Rs.3,50,000/- , Rs.1,50,000/-, Rs.1,50,000/- and Rs.50,000/- respectively.

The Respondents 1 & 4 are permitted to withdraw their shares of amount immediately without filing any formal petition. The shares allotted to the minor respondents 2 & 3 are ordered to be deposited in any one of the Nationalised Bank till the minors attain majority. The first respondent, who is the guardian for the minor respondents 2 & 3, is permitted to withdraw the interest accrued on the amount deposited in the name of respondents 2 & 3 from the Nationalised Bank once in three months, for the maintenance and educational expenses of the said minors. It is represented by the respondents 1 to 4 that the respondents 2 & 3 have already attained majority. But no order has been produced before Lok Adalat for declaration of respondents 2 & 3 as majors. In the said circumstances the respondents 2 & 3 are permitted to move the competent court to declare them as majors and after such order they are entitled to withdraw the amount deposited in the Nationalised Bank in their names.

The 4th respondent who is the mother of the deceased and mother-in-law of the first respondent has given a power of attorney in favour of the first respondent herein to conduct the case proceedings and to receive the share of amount allotted to her on her behalf by the first respondent by maintaining proper account. It is represented to the Lok Adalat that the 4th respondent is already aged 75 years and is not in position to come and sign appropriate records in the compromise proceedings. Therefore, the power of attorney is recorded today.

The balance amount standing to the credit of this proceedings is ordered to be refunded to the appellant / Transport Corporation after settlement of the amount due to the respondents 1 to 4 herein.

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.

Sd/-

Managing Director
Tamil Nadu State Transport
Corporation Ltd.,

Coimbatore Division I,
37, Mettupalayam Road, Coimbatore.

Sd/-

Counsel for the Appellant

Sd/-

1. S.Mallika

Sd/-

2. Minor.S.Santhoshkumar

3. Minor.S.Saravanakumar

Sd/-

Parties in person

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.

Sd/-

Judge

Sd/-

Member

Sd/-

Member

Encl:Power of Atterney of Ramathal
given to S.Mallika

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To:The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal,Subordinate Court, Pollachi.
- 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

KK(CO)

sm:28.3.2018

C.M.A.No.3459 of 2010