

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

and

Members:

Mr. A.Selvadoss
Mrs.N.Mala

C.M.A.No.81 of 2014

(Appeal against the judgment and decree passed in
M.C.O.P.No.506 of 2009 on the file of the Motor Accident Claims
Tribunal/ II Additional District Judge, Poonamallee, dated 12.06.2013).

1.R.Anitha

2.R.Vishnupriya

3.R.Karthik

...Appellants

Vs.

1.Elumalai

2.Bajaj Allianz General Insurance Company Limited
Thiruvanmiyur Chennai 41.

3.Rajendran

..Respondents

(the 1 and 3 respondents exparte in lower
Court, hence notice may be dispensed with)

This case is taken up for settlement before the Lok Adalat. Both
the parties are present. The learned counsel for the appellants,
Mr.K.Varadha Kamaraj, is present. The learned counsel for the second

respondent Mrs.Srividya 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

This is an appeal filed by claimants. The claimants have filed M.C.O.P.No.506 of 2009 on the file of the Motor Accident Claims Tribunal/ II Additional District Judge, Poonamallee, claiming compensation of Rs.6,00,000/-. However, the Tribunal has awarded a sum of Rs.6,00,000/- having observed that the claimants are entitled to a sum of Rs.9,02,500/- with interest at 7.5% per annum from the date of petition, till the date of deposit and costs as compensation. Since the Tribunal has not awarded compensation above the amount claimed, the appellants have filed this appeal for the balance of the compensation amount.

2. After due deliberation and consultation, the Insurance Company has agreed to pay a sum of Rs.4,00,000/- in full quit besides the sum of Rs.6,00,000/- awarded by the Tribunal. The respondents 1 and 2 are entitled to a sum of Rs.1,00,000/- each and the third respondent is entitled to a sum of Rs.2,00,000/- out of the said sum of Rs. 4,00,000/-.

3. The second respondent/ Insurance Company is directed to deposit the sum of Rs.4,00,000/- in full quit, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the second respondent/Transport Corporation shall pay interest at the rate of 12% every month to the full quit amount. On such deposit being made by the second respondent/Insurance Company, the appellants are permitted to withdraw the same on filing proper application before the Tribunal.

4. The Tribunal is directed to transfer the above said award amount to the Bank account of the appellants/claimants and the mother of deceased 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.

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1.R.Anitha

2.R.Vishnupriya

3.R.Karthik

Counsel for Appellants

Bajaj Allianz General Insurance Company Limited

Thiruvananthapuram Chennai 41.

Counsel for second Respondent

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.

Judge

Member

Member

To

The parties/Counsel concerned
Copy to

- 1.The Motor Accident Claims Tribunal/ II Additional District Court, Poonamallee,
- 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