

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday the 13th day of July 2019

NATIONAL LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE J.A.K.SAMPATHKUMAR (Retd.)
and

Members

Mr.Thanikasalam, District Judge(Retd)
Mr.B.Radhakrishnan, Advocate

C.M.A.No.326 of 2019

(Appeal against the judgment and decree dated 16.08.2018 made in
M.C.O.P.No.6402 of 2014 on the file of the Motor Accidents Claims Tribunal
III Court of Small Causes, Madras)

The Oriental Insurance Company Limited,
Oriental House, 216, Prakasam Salai, Broadway,
II Floor, Chennai – 108. .. Appellant

Vs.

1. Kumari
2. Rajalingam
3. Ashwini
4. Sarathkumar (Minor, rep. By mother and
next friend kumari) - Declared as major
as per Memo dated 13.07.2019
5. Premier Engineering Works – ex-parte before Tribunal .. Respondents

This case is not listed today. By consent of both parties, this case is
taken up for settlement. Mr.S.Manohar, learned counsel for the appellant
and Mr.S.Ravikumar, learned counsel for the respondents 1 to 4 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

The Tribunal has awarded a sum of Rs.20,59,000/- with interest at 7.5% per annum from the date of numbering of the petition i.e. 18.07.2014 till the date of realization and costs as compensation. Aggrieved by the award of the Tribunal, the appellant / Insurance Company had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to modify the award to a sum of Rs.18,59,000/- (Rupees Eighteen Lakhs Fifty Nine Thousand only) along with proportionate interest at 7.5% per annum from the date of petition till the date of deposit as compensation. It is informed that the Oriental Insurance Company Limited has deposited 50% of the award amount, interest and costs before the Tribunal.

3. The appellant / Insurance company is directed to deposit the balance modified award amount within a period of four weeks from the date of receipt of a copy of this order.

4. It is informed that fourth respondent, viz., Sarathkumar has attained majority as on date. Counsel for the respondents 1 to 4 has given a memo requesting to declare as major. The Insurance Company and counsel for the Insurance Company on record have no objection. In such view of the fact fourth respondent / fourth claimant is declared as major.

5. On such deposit, the first respondent is permitted to withdraw a sum of Rs.6,00,000/- (Rupees Six lakhs only), second respondent is permitted to withdraw a sum of Rs.6,00,000/- (Rupees Six Lakhs only) third respondent is permitted to withdraw a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) and the fourth respondent is permitted to withdraw a sum of Rs.3,59,000/- (Rupees Three Lakhs Fifty Nine Thousand only) without filing any formal petition. Award is passed accordingly.

6. The Tribunal is directed to transfer the amount through RTGS/NEFT to the parties 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. The connected miscellaneous petition is closed if any.

The Oriental Insurance Company Limited,
Oriental House, 216, Prakasam Salai, Broadway,
II Floor, Chennai – 108.

Counsel for the Appellant

1. Kumari

2. Rajalingam

3. Ashwini

4. Sarathkumar

Counsel for the Respondents 1 to 4

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.

Judge

Member

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, III Court of Small Causes, Madras.
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



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J.A.K.SAMPATHKUMAR (Retd.)

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C.M.A.No.326 of 2019

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13.07.2019