

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 13th day of July, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE R.SUBRAMANIAN

and

Members

Mr.A.Manivasakan, District Judge (Retd.)
Mr.Tranquebar Dorai Vasu

C.M.A.No. 1360 of 2015

(This Civil Miscellaneous Appeal is filed under Section 173 of the M.V.Act, 1988 against the judgement and decree of the dated 24.11.2012 made in M.C.O.P.No. 295 of 2011 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Salem)

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
No.12, Ramakrishna Road,
Salem - 7.

Vs.

... 3rd respondent/appellant

1.Periappu

2.P.Thangaraj

3.Siva Bakkiam

4.National Insurance Company Limited,
Office at L.R.N. Complex,
Saradha College Road, Salem - 7.

5.Union of India,
rep. by its Secretary to Government of India,
New Delhi.

6.Secretary to Transport Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

7.The Chairman,
National Highways Authority of India,
New Delhi.

8.National Highways Authority of India,
Regional Manager, South India, Chennai.

9.The Secretary to Government,
Department of Revenue, Ministry of Finance,
Government of India, New Delhi.

..Respondents/Respondents

*R5 & R6 suo-moto impleaded as per order of this Court
dated 08.07.2015 made in CMA.No.1350 of 2015 etc., batch.

*R9 suo-moto impleaded as party respondent
vide order of Court dated 26.07.2017 made in
C.M.A.No. 1350 of 2015 etc., batch

*R6 & R7 suo-moto impleaded as party respondents vide
order of Court dated 05.08.2015 made in C.M.A.Nos.1350
to 1360 of 2015 & C.R.P.Nos.2979 to 2948 of 2014

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.D.Venkatachalam, learned counsel appearing for the appellants and Mr.J.Chandran, learned counsel appearing for the 3rd respondent.

TERMS OF SETTLEMENT

This Civil Revision Petition is directed against the common award of MACT, Salem dated 24.11.2012. The only question in dispute is the apportionment of liability between the Insurance Company and the Transport Corporation. The Tribunal had apportioned the liability at 50%, each.

2. After negotiation, the Transport Corporation as well as the Insurance Company had agreed to modify the award in respect of the apportionment of liability alone. As per the agreement reached between the Insurance Company and Transport Corporation, the Insurance Company has agreed to pay 55% of the compensation awarded and the Transport Corporation has agreed to pay the remaining 45% of the compensation awarded.

3. The Insurance Company shall deposit the additional liability that it will incur in view of the modification of award within a period of four weeks from the date of receipt of a copy of the order. The Transport Corporation also shall deposit the amount due and payable by it within a period of four weeks from the date of receipt of a copy of the order. On such deposit, the claimants are permitted to withdraw the entire compensation.

4. The Civil Revision Petition is disposed of, accordingly. Connected Miscellaneous petition is closed, if any.

Judge

Member

Member

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
No.12, Ramakrishna Road,
Salem - 7.

Vs.

Counsel for the Appellant

National Insurance Company Limited(4th respondent),
Office at L.R.N. Complex,
Saradha College Road, Salem - 7.

Counsel for the 4th respondent

To: The parties/Advocate concerned
Copy to:

1. The Motor Accident Claims Tribunal, Chief Judicial Magistrate, Salem.
 2. National Insurance Company Limited,
Office at L.R.N. Complex,
Saradha College Road, Salem - 7.
 3. The Secretary, High Court Legal Services Committee, Chennai.
 4. The Section Officer, V.R. Section, High Court, Madras.
 5. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies
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R.SUBRAMANIAN, J.

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

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 Section 1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.



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