

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee

Saturday, the 09th day of March, 2019**LOK ADALAT AWARD**

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

Presided by

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

and

Members:

Mr.T. Sankara Narayanan Pillai

Mr.Tranqubar Dorai Vasu

C.M.A.No.1004 of 2016

This Appeal is filed against the Judgment and Decree dated 25.03.2015 made in M.C.O.P.No.44 of 2012, on the file of the Motor Accident Claims Tribunal, (2nd Additional District Judge), Poonammallee.

1.Rumma Pradhan

2.Minor Sangeetha Pradhan

3.Minor Vithyatharan

[Minors 2 and 3 rep. by their mother and N/F 1st petitioner herein]

All are residing at

No.20, Periyar Nagar,

Senneerkuppam,

Chennai – 600 056.

...Appellants

Vs.

1.M/s.Ray Mix Contract,

No.49, Sakthi Garden, Seneerkuppam,

Poonamallee,

Chennai – 56.

2.United India Insurance Co. Ltd.,
Service Hub, Regional Office,
New No.27, 2nd Floor,
Sudarsan Building,
Whites Road, Chennai -14.

...Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned for the appellants Mr.K.Varadha Kamaraj and the learned counsel for the second respondent Mr.S.Arun Kumar 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 appellant has preferred the present appeal against the Judgment and Decree dated 25.03.2015 made in M.C.O.P.No.44 of 2012, on the file of the Motor Accident Claims Tribunal, (2nd Additional District Judge), Poonammallee to enhance the amount awarded in the above said M.C.O.P.No.

2.It is represented by the insurance company that the claim made by the claimants is Rs.8,00,000/- and the tribunal found that the claimants are entitled for Rs.12,36,000/-. In view of that fact the claimants are restricted to claim a sum of Rs.8,00,000/- as awarded by the Tribunal. Challenging the said award the claimants preferred the present appeal for the grant of Rs.4,36,000/-.

3.Now the claimants and the Insurance Company are arrived at a compromise and the Insurance company has accepted to deposit the enhancement of compensation of Rs.3,60,000/- as full quit.

4.The Insurance Company is directed to deposit a further sum of Rs.3,60,000/- as full quit, within a period of six weeks from the date of receipt of a copy of this order. The apportionment of the claim amount shall be disbursed as per the decision made by the tribunal.

5.The Tribunal is directed to transfer the above said modified award amount to the individual bank account of the appellants by way of NEFT/RTGS, on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

6.The Civil Miscellaneous Appeal is disposed of accordingly.

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

- 1.Rumma Pradhan
- 2.Minor Sangeetha Pradhan
- 3.Minor Vithyatharan

... Counsel for the Appellants

United India Insurance Co. Ltd.,
Service Hub, Regional Office,
New No.27, 2nd Floor,
Sudarsan Building,
Whites Road, Chennai -14.

... Counsel for the 2nd Respondent

Judge

Member

Member

M.NIRMAL KUMAR.J,

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To

The parties/Counsel concerned

Copy to

- 1.The Motors Accidents Claims Tribunal,
In the III Court of Small Causes, Chennai.
- 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.



C.M.A.No.1004 of 2016

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09.03.2019