

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI  
National Lok Adalat organized by the High Court Legal Services Committee  
Saturday, the 14th December, 2019  
**NATIONAL LOK ADALAT AWARD**  
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

**The Honourable Mr.JUSTICE P.RAJAMANICKAM**

**Members:**

Mr.G.Dhanaraj  
Mr.V. Shanmugasundaram

and

**C.M.A.No.2440 of 2019**

(Appeal against the Judgment and decree passed on 28.03.2018 in M.C.O.P.No.1101 of 2014 on the file of the Motor Accidents Claims Tribunal, II Additional District Court, Tiruppur)

National Insurance Co.Ltd.,  
II Floor, RP.Towers,  
88, Coimbatore Road,  
Pollachi.

... Appellant /3<sup>rd</sup> Respondent

Vs.

- 1.Ranjitha
- 2.Sangeetha
3. Arumuga Gounder
- 4.Massiriyammal
- 5.Srirangan
6. Uma Malleeswari

...Respondents

(R5 and R6 were set exparte before the Tribunal)

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.S.Vadivel, the learned counsel for the appellant and Mr.Ma.Pa.Thangavel, the 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**

Respondents 1 and 2 present. Respondents 3 and 4 called absent. The first respondent has produced an authorization letter said to have been given by the respondents 3 and 4 to settle the matter on behalf of all. It is represented that R2 Sangeetha has attained majority and she will file necessary petition before the Tribunal to declare that she attained the age of majority.

2. The Tribunal has awarded a sum of Rs.33,00,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of deposit and costs as compensation. Challenging the quantum of compensation, the appellant/Insurance Company has preferred the present appeal.

3. After due deliberation and consultation, both the parties have agreed to modify the award amount to the tune of Rs.29,00,000/- (Rupees Twenty Nine Lakhs Only) with proportionate interest of 7.5% per annum from the date of petition till the date of deposit and costs and the award is accordingly modified. As per the terms of the award passed by the Tribunal, the appellant/Insurance Company is entitled to recover the amount deposited by them from the owner of the vehicle on the principle of pay and recovery by filing appropriate application.

4. In view of the above, the appellant/Insurance Company is directed to deposit the modified award amount, after deducting the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy

of this order. On such deposit, the respondents 1 to 4 are entitled to withdraw their respective shares in the same ratio as apportioned by the Tribunal.

5. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed, if any.

National Insurance Co.Ltd.,  
II Floor, RP.Towers,  
88, Coimbatore Road,  
Pollachi.

Counsel for the Appellant

1.Ranjitha

2.Sangeetha

3. Arumuga Gounder

4.Massiriyammal

Counsel for the respondents

This National 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

**P.RAJAMANICKAM, J.**

sbn/gv

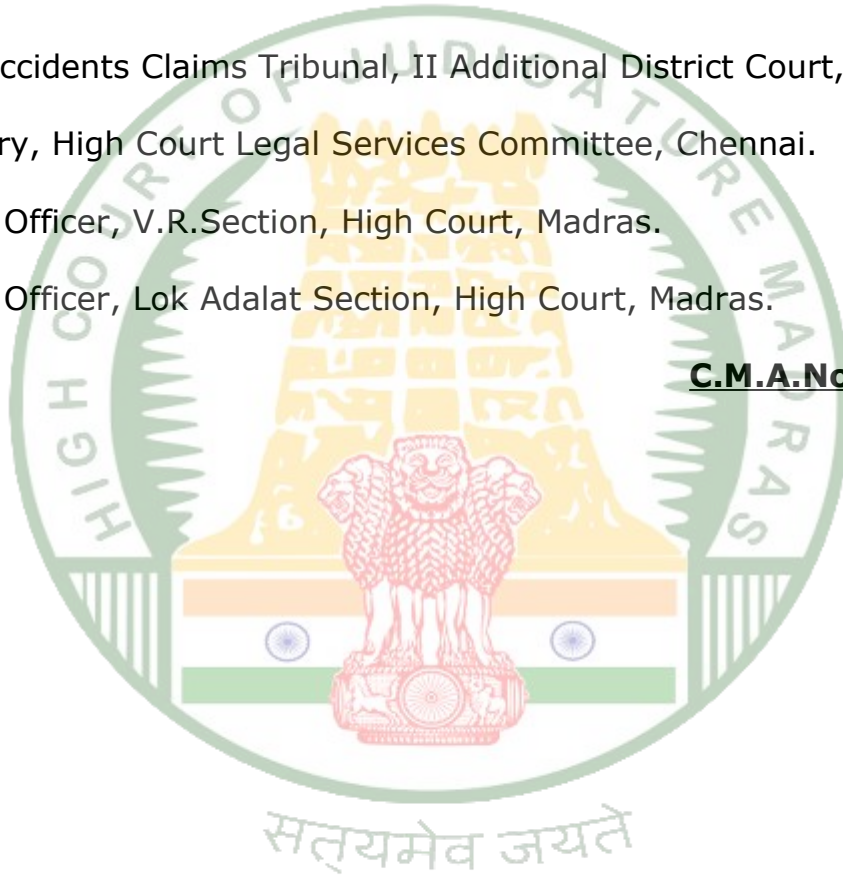
**To:**

The parties/Advocate concerned

**Copy to:**

- 1.The Motor Accidents Claims Tribunal, II Additional District Court, Tiruppur.
- 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.2440 of 2019**



**14.12.2019**

WEB COPY