

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.Sankaranarayanan Pillai.T
Mr.Tanquebar Dorai Vasu

C.M.A.No.2168 of 2011

(The Appeal is not listed today, however, with the consent of the parties, it is taken up for settlement. The Appeal is filed against the judgment and decree dated 24.06.2010 passed in M.C.O.P.No.3148 of 2007 on the file of the Chief Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai).

1.B.Kalavathy

2.B.Nirmala

3.B.Yuvaraj

4.K.Nagammal (Expired)

...Appellants

[Appellants 2 & 3 are declared as Major
at Trial Court on 03.02.2014]

Vs.

1.M.Anandhan

2.United India Insurance Co. Ltd.,
No.826, Anna Salai, 7th floor,
Tarapore Towers, Chennai – 600 002.

...Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.A.Shanmugaraj, is present. The learned counsel for the 2nd respondent Mr.S.Arunkumar is present and officials of Insurance

company are also 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.8,25,000/- with interest at 7.5% p.a. from the date of numbering the claim petition i.e., 05.09.2007 till the date of deposit as compensation.

2. Aggrieved by the award of the Tribunal, the Appellants have preferred the present appeal. The amount awarded by the Tribunal has already been deposited by the Insurance Company and the same has been withdrawn by the appellant.

3. By way of compromise, the 2nd respondent/insurance company agreed to pay a sum of Rs.1,75,000/- (Rupees One lakh and Seventy five thousand only) with interest, in addition to the award amount of the Tribunal as compensation and the same is agreed by both sides.

4. The Insurance company is directed to deposit a sum of Rs.1,75,000/- (Rupees One lakh and Seventy five thousand only) with interest 7.5% pa, from the date of numbering the claim petition i.e., 05.09.2007, within a period of six weeks from the date of receipt of a

copy of this award, to the credit of M.C.O.P.No.3148 of 2007 before the concerned Tribunal. Award is modified accordingly.

5. The fourth appellant died on 09.12.2009 and a memo was filed with death certificate and the same is recorded. On such deposit being made, the first appellant is entitled to withdraw a sum of Rs.1,05,000/- with proportionate interest and appellants 2 & 3 are entitled to a sum of Rs.35,000/- each with proportionate interest.

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

7. The Civil Miscellaneous Appeal is disposed of accordingly. Connected miscellaneous petition, if any, is closed.

1.B.Kalavathy
2.B.Nirmala
3.B.Yuvaraji

.. Counsel for Appellant

United India Insurance Co. Ltd.,
No.826, Anna Salai, 7th floor,
Tarapore Towers, Chennai – 600 002.

..Counsel for the 2nd Respondent

M.NIRMAL KUMAR.J,

klt

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

9. 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 Chief Judge, Motor Accidents Claims Tribunal, Small Causes Court, 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.2168 of 2011

09.03.2019