

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 28th day of January, 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)
and

Members

- 1.Mr.K.Ramakrishnan
- 2.Mr.T.R.Ravi

C.M.A.No.2093 of 2012 and MP.No.1 of 2012

Appeal against the judgment and decree passed on 28.06.2011 made in M.C.O.P. No.3271 of 2007 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

1. Radha
2. Sindu (Minor)
3. Elango (Minor)
(Minors 2 and 3 rep. By their mother
and next friend 1st Appellant)
4. Chinnammal .. Appellants

Vs.

- 1.S.Sarath Sheriff
(Set ex-parte before the Tribunal)
- 2.Tata AIG General Insurance Company Ltd.,
No.1, Ethiraj Salai, Egmore,
Chennai - 08. .. Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the appellants Mr.N.M.Elumalai and learned counsel for the Respondent Mr.A.Jeganathan for Mr.N.Vijayaraghavan and Mr.R.Krishnakumar, Senior Manager (Legal) for the Tata AIG General Insurance Company Limited 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

This Appeal has been filed by one Radha and her two minor children and her mother-in-law. For claiming compensation for the death of her husband Murugan in the Motor Accident.

2. The Tribunal has awarded a sum of Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand only) to the Claimants apportioning Rs.2,00,000/- (Rupees Two Lakhs only) for the 1st Claimant / wife of the deceased, 2nd and 3rd are the minors of the deceased each awarded of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only), and Rs.75,000/- (Rupees Seventy Five Thousand only) to the 4th claimant/ Mother of the deceased.

3. Not satisfied with the compensation, the Claimants have come forward this appeal for enhancement. After great deliberation and discussion, both sides agreed for an enhancement of compensation of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only) over and above the award amount granted by the Tribunal. The compensation of Rs.5,75,000/- (Rupees Five Lakhs Seventy Five Thousand only) was already deposited by the 2nd Respondent / Insurance company and the Claimants 1 and 4 have withdrawn their respective shares. The compensation of Minors 2nd and 3rd has been deposited in a Nationalised Bank till they attain majority.

4. The second respondent / Insurance Company is directed to deposit the enhanced amount within a period of four weeks from the date of receipt of a copy of this Order.

5. On such deposit, the appellants / claimants are permitted to withdraw their enhanced amount as per the ratio fixed hereunder. The first claimant is entitled to receive the amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only), and the 4th claimant / mother is entitled to Rs.25,000/- (Rupees Twenty Five Thousand only). The minor claimants 2nd and 3rd each are entitled to Rs.75,000/- (Rupees Seventy Five Thousand only) shall be deposited in a Nationalized Bank in the Fixed deposit Re-Investment Scheme in the Indian Bank, High Court Branch, till they attain majority. The other Appellants 1 & 4 can withdraw their respective shares on deposit by the 2nd Respondent / Insurance Company.

6. The Tribunal is directed to issue the amount through cheque / RTGS 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. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
1. Radha

Sd/-
2. Sindu (Minor)

Sd/-
3. Elango (Minor)
(Minors 2 and 3 rep. By their mother
and next friend 1st Appellant)

(LTI of Chinnamal)
4. Chinnammal

Sd/-
... Counsel for the Appellants

Sd/-
Tata AIG General Insurance Company Ltd.,
No.1, Ethiraj Salai, Egmore,
Chennai - 08.

Sd/-
... Counsel for 2nd Respondent

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.

Sd/-
Judge
सत्यमेव जयते

Sd/-
Member

Sd/-
Member

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

1. The Motor Accident Claims Tribunal/Chief Judge, 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. (2 copies)

C.M.A.No.2093 of 2012

nr 26/02/2019



WEB COPY