

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.2094 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.3378 of 2007 on the file of the Motor
Accident Claims Tribunal, Chief Judge, Court of Small Causes,
Chennai.

- 1.Santhi
- 2.Radhika

... 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
Nr.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 claim petition has been filed by one Santhi and her
daughter Radhika. Claiming compensation for the death of the 1st
Claimant / husband one Venkatesan in a Motor Accident.

2. The Tribunal has awarded a compensation of Rs.4,28,000/- (Rupees Four Lakhs Twenty Eight Thousand only). Out of which Rs.2,78,000/- (Rupees Two Lakhs Seventy Eight Thousand only) was awarded to the wife / 1st Claimant and Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the 2nd Claimant / daughter of the deceased.

3. Not satisfied with the award amount they have come forward with this appeal. After great deliberation and discussion, the matter has been settled before this forum at Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) over and above the awarded amount by the Tribunal. The award amount of Rs.4,28,000/- (Rupees Four Lakhs Twenty Eight Thousand only) was already deposited in the Tribunal and the Claimants have withdrawn their respective shares.

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 the additional award amount as per the ratio fixed hereunder. The first appellant is entitled to receive the amount of Rs.1,50,000/-, 2nd appellant now married is entitled to receive the amount of Rs.70,000/- (Rupees Seventy Thousand only).

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.Santhi

Sd/-
2.Radhika

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

Sd/-
Member

Sd/-
Member

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)

सत्यमेव जयते

C.M.A.No.2094 of 2012

ppa (co)
nr 26/02/2019

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