

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th day of December, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE C. SARAVANAN

and

Members

Mrs.Revathi G.Mohan

Mr.M.Sambasivam

C.M.A.No.110 of 2016

[Appeal against the judgment and decree passed on 29.10.2009 in MCOP.No.494 of 2008 on the file of the Motor Accidents Claims Tribunal / District Court, Thiruvannamali.

1. Periappu Gounder
2. Periyathai Ammal
(appellants 1 and 2 died)
3. Chinnapappa
4. Pachaiyammal
5. Rajendiran
6. Selvaraj
7. Venkatesan

... Appellants

Vs.

1. K.Kumar
2. Branch Manager,
The Oriental Insurance Company Limited,
No.75, Krishnan Street,
Thiruvannamali.

..Respondents

Though this case is not listed before this forum settlement, it is taken up for hearing at the instance of the learned counsel for the appellant. Both the parties are present. The learned counsel for the appellant M/s.S.Suseela Devi and learned counsel for the 2nd respondent / Insurance Company, Mr.J. Chandran 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 Tribunal has awarded a sum of Rs.2,68,600/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the second respondent that the amount has already been deposited before the Tribunal.

2. Not satisfied with the award of the Tribunal, the claimant / appellant has preferred the present appeal for enhancement. Now, both the parties have agreed to settle the dispute on payment of Rs.3,25,000/- (Rupees Three Lakhs twenty five thousand only) in full quit over and above the amount awarded by the Tribunal.

3. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.3,25,000/- (Rupees Three lakhs twenty five thousand only) in full quit (inclusive of interest), within a period of six weeks from the date of receipt of a copy of this order, failing which, shall pay interest at the rate of 7.5% per annum from this date till the date of deposit. Appellant Nos.1 and 2 have died. The appellants 6 and 7 have since attained majority, the appellants 3 to 7 /claimants are permitted to withdraw the enhanced award amount without filing any formal petition, equally. The Award is passed accordingly.

4.The Tribunal is directed to issue the cheque to the party 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 Petitions are closed, if any.

1. Periappu Gounder
2. Periyathai Ammal
(appellants 1 and 2 died)

3. Chinnapappa

4. Pachaiyammal

5. Rajendiran

6. Selvaraj

7. Venkatesan

Counsel for the Appellant

Branch Manager,
The Oriental Insurance Company Limited,
No.75, Krishnan Street,
Thiruvannamali.

Counsel for the 2nd respondent

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.

Member Judge Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal/ District Court, Thiruvannamali.
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.

Rst/vum

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C.SARAVANAN.,J.

Rst/vum



C.M.A.No.110 of 2016

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14.12.2019