

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 13th July 2019

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

and

Members

Mr.N.Sivathanu, District Judge (retd)

Mr.S.Arokiamaniraj

C.M.A.NO.2214 OF 2012

(Appeal against the judgment and decree passed on 28.01.2012 made in
MACT.OP.No.1876 of 2008 on the file of the Motor Accidents Claims Tribunal,
Chief Small Causes Court, Chennai.

1.M.Bhavani

2.M.Dilli Prabha

3.M.Manivanan

4.M.Mohanasundaram

.. Appellants

/versus/

1.S.P.M.Kamalakaran

2.Cholamandalam Ms General Insurance Co. Ltd.

Dare House, 2nd Floor NSC Bose Road

Chennai -1.

(R1 set exparte before the Tribunal)

.. Respondents

This case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.S.N.M.Muthurajan, learned counsel for appellants/claimants and Mrs.Sri Vidhya, learned counsel for the second respondent /Insurance Company 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.7,47,000/- with interest at the rate of 7.5% per annum as compensation to the appellants/claimants for the death of one N.Mathialagan. Being not satisfied with the same, the claimants have preferred this appeal seeking enhancement.

2.After due deliberation and consultation, both the parties have agreed to enhance the award amount to a sum of Rs.3,80,000/- in full quit, over and above the compensation awarded by the Tribunal and the same is hereby, awarded. The first appellant is entitled to received Rs.2,00,000/- and the appellants 2 to 4 are entitled to received Rs.60,000/- each. The award is enhanced accordingly.

3.It is reported that the Insurance company has already deposited the compensation awarded by the Tribunal and the same has also been withdrawn by the claimants. Hence, the Insurance company is directed to deposit the enhanced amount of Rs.3,80,000/- within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal shall transfer the respective shares to the savings bank account of the appellants/claimants through RTGS forthwith, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

2.M.Dilli Prabha

3.M.Manivanan

4.M.Mohanasundaram

Counsel for the Appellants

Cholamandalam Ms General Insurance Co. Ltd.

Dare House, 2nd Floor NSC Bose Road

Chennai -1.

Counsel for the 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.

सत्यमेव जयते

Judge
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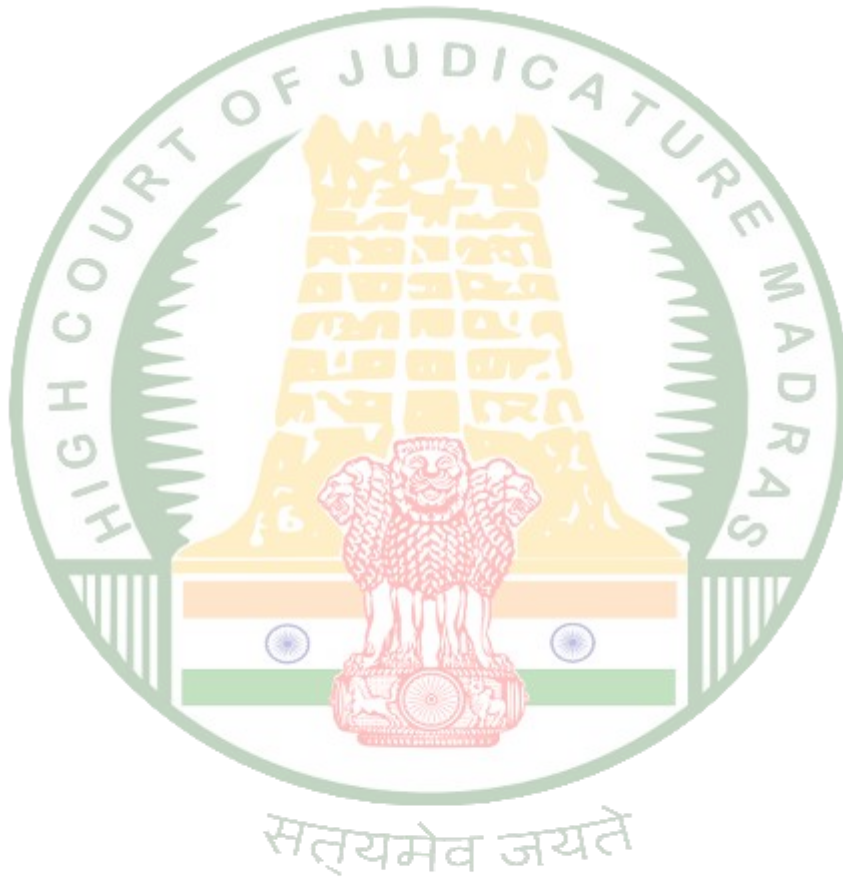
Member

Member

To: The parties/Advocate concerned

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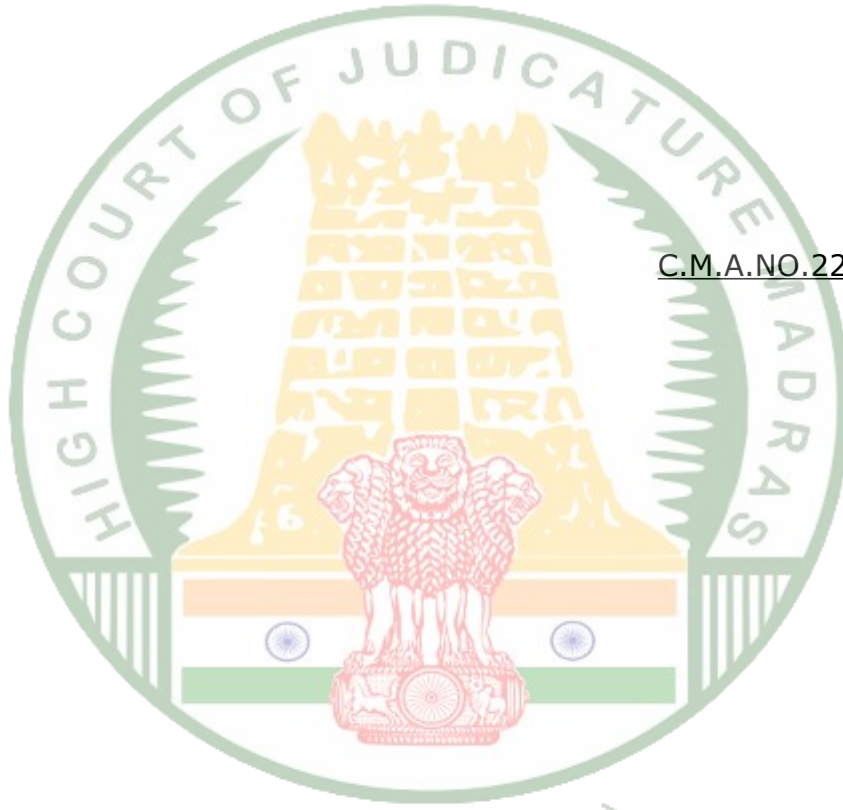
- 1.The Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai.
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.+2 copies



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G.K.ILANTHIRAIYAN, J.

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C.M.A.NO.2214 OF 2012

सत्यमेव जयते

Dated : 13.07.2019

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