

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services
Committee

Saturday, the 13th day of July, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE R.SUBRAMANIAN

and

Members

Mr.A.Manivasakan, District Judge(Retd.,)

Mr.Tranquebar Dorai Vasu

C.M.A.No.3099 of 2012

(This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1989, against the Judgment and Decree made in MCOP.No.4435 of 2000 dated 01.03.2004 on the file of the Motor Accidents Claims Tribunal Cum the 2nd Judge, Small Causes Court in Chennai.)

1.R.Nabissa

2.Jabeen Fathima (minor)

3.Daulath Fathima (minor)

4.Zarine Fathima (minor)

(minor respondents 2 to 4 are represented by their mother R.Nabissa)

... Appellants/Petitioners

Vs.

1.R.Narayanan

2.The New India Assurance Company Ltd.,
853/1, Nehruji Road,
Theni - 625 531.

..Respondents/Respondents

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.K.J.Nithianandam, learned counsel appearing for the appellants and Mr.J.Chandran, learned counsel appearing for the 2nd respondent.

TERMS OF SETTLEMENT

This Civil Miscellaneous Appeal has been filed Section 173 of the Motor Vehicles Act, 1989, against the Judgment and Decree made in MCOP.No.4435 of 2000 dated 01.03.2004 on the file of the Motor Accidents Claims Tribunal Cum the 2nd Judge, Small Causes Court in Chennai.

2. This appeal has been filed seeking enhancement of the compensation. The Tribunal has taken the contribution of the deceased who was earning Rs.2,500/- per month at Rs.1,000/- which is very much on the lower side.

3. Upon negotiation, the parties have agreed that the total compensation is to be fixed at Rs.4,22,568/- taking the contribution at Rs.1,667/- per month. The amounts awarded under the conventional heads like loss of consortium, loss of love and affection and funeral expenses are also very low. The Insurance Company has magnanimously agreed for the enhancement of the said heads.

4. Thus the total award works out to Rs.4,22,568/-. Out of the said Rs.4,22,568/- the Insurance Company on the satisfaction of the award of the Tribunal has already paid a sum of Rs.2,31,000/-. For Rs.1,91,568/- the interest per annum at 7.5% works out to Rs.14,367/-.

5. Considering the fact that there was a delay in filing as well as numbering of the appeal, the interest payable is taken only for a period of 12 years. Thus the interest works out to Rs.1,72,404/-. The

total award amount works out to Rs.3,63,972/- and the same is rounded off to Rs.3,50,000/-. The deceased is survived by his wife and three daughters. All the three daughters have now become majors. The trial court has awarded a share of the compensation to the father of the deceased. It is stated that he has also died now. Hence, the award amount of Rs.3,50,000/- has to be apportioned between the wife and three daughters.

6. The compensation is apportioned as follows as per the agreement reached between the parties:-

The 1st claimant wife shall take Rs.1,25,000/-. The claimants 2 to 4 viz., the daughters shall take a sum of Rs.75,000/- each.

7. The 2nd respondent / Insurance Company shall deposit the compensation amount of Rs.3,50,000/- within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the appellants are permitted to withdraw the same.

8. The Tribunal is directed to transfer the amount in favour of the claimants through RTGS/NEFT, 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.

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Judge

Member

Member

R.Nabissa

Jabeen Fathima

Daulath Fathima

Zarine Fathima

Counsel for the Appellants

The New India Assurance Company Ltd.,
853/1, Nehruji Road,
Theni - 625 531.

Counsel for the respondent

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal Cum the 2nd Judge, Small Causes Court in Chennai
2. The New India Assurance Company Ltd., 853/1, Nehruji Road, Theni - 625 531.
3. The Secretary, High Court Legal Services Committee, Chennai.
4. The Section Officer, V.R. Section, High Court, Madras.
5. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

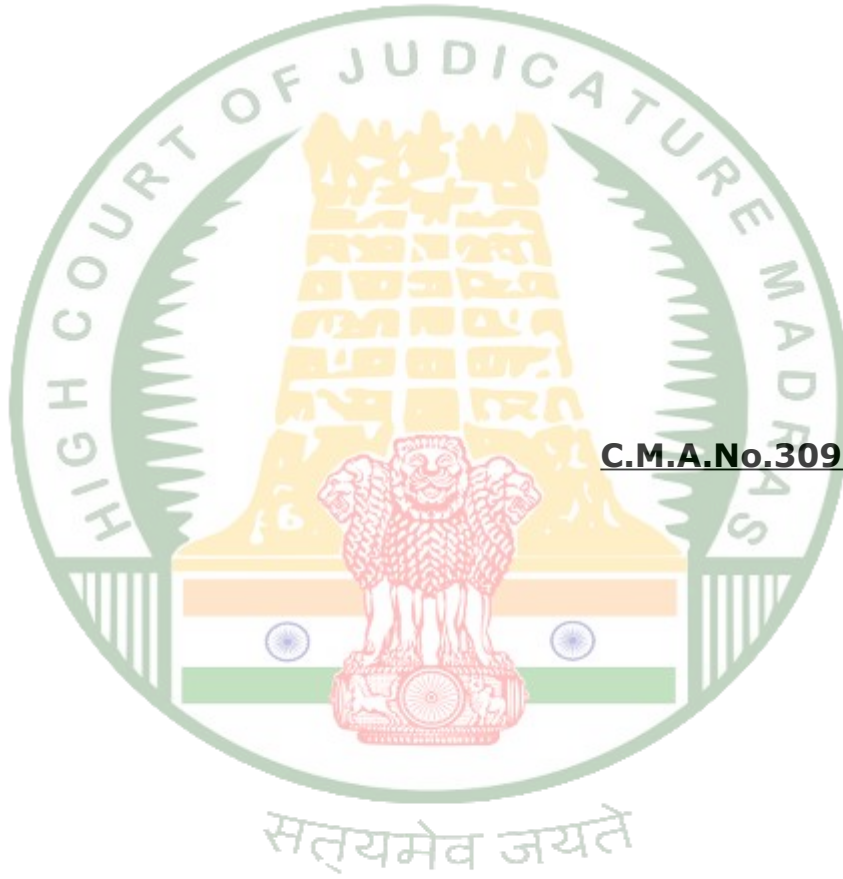
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R.SUBRAMANIAN, J.

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13.07.2019