

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 9th day of March 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 S. VAIDYANATHAN
and

Members: Mr.P.Rosaiah
Ms.S.Jayakumari

C.M.A.No.1894 of 2016

Appeal against the award and decree passed on 31.03.2016 in M.C.O.P.No.4444 of 2012 on the file of the Motor Accidents Claims Tribunal, (II Court of Small Causes), Chennai.

The Manager,
M/s.HDFC-ERGO General Insurance
Company Limited,
'RAHEJA Towers',
No.171, Anna Salai,
Chennai 600 002.

Vs.

.. Appellant

1. K.Vishweswari
2. K.Savithiri
3. K.Veera Raju
4. K.Bala Vijaya Durga (Minor),
5. K.Sai Saranraj (Minor)
6. A.Arunraj

(Minors 4 & 5 represented by their mother
and next friend, K.Vishveswari)

... Respondents

This case came up for settlement before the National Lok Adalat. **Mr.R.V.Shivaraj, learned counsel for the Appellant is present and Ms.Janaki, learned counsel appearing for Respondents 1 to 5 is 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 is a case of fatal. The Tribunal has awarded a sum of Rs.28,00,000/- as compensation to the claimants with interest at 7.5% per annum. Aggrieved by the Award, the Appellant/Insurance Company has come up with the present Appeal.

2. After negotiation, the award of the Tribunal is modified as follows:

(i) The Appellant/Insurance Company has agreed to pay a sum of Rs.22,80,000/- (Rupees Twenty Two Lakhs Eighty Thousand only) together with interest at 7.5% per annum to the Respondents 1 to 5/Claimants 1 to 5 and the Respondents 1 to 5/Claimants have agreed to receive the said amount as settlement, in the manner as apportioned below:

1st Respondent	Wife of the Deceased	Rs. 10,00,000.00
2nd Respondent	Mother of the Deceased	Rs. 3,00,000.00
3rd Respondent	Father of the Deceased	Rs. 1,80,000.00
4th Respondent	Daughter of the Deceased	Rs. 4,00,000.00
5th Respondent	Son of the Deceased	Rs. 4,00,000.00
	Total	Rs. 22,80,000.00

(ii) It is represented that the Appellant/Insurance Company has deposited the entire Award amount together with accrued interest to the credit of the Original petition. Hence, after deducting the modified Award amount, the Respondents 1 to 5/Claimants 1 to 5 are directed to refund the excess amount to the Appellant/Insurance Company.

(iii) In case, the Appellant/Insurance Company has not deposited the entire Award amount, they are directed to deposit the amount now modified by this Court together with accrued interest at 7.5% per annum within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(iii) Since the Respondents 4 and 5/Claimants 4 and 5 are minors, their respective share of the Award amount shall be deposited in a Fixed Deposit Scheme, separately, in any one of the Nationalized Banks initially for a period of one year,

renewable periodically, till they attain majority. The Guardian of the minor claimants is entitled to withdraw the interest accrued on the Fixed Deposit Schemes, once in three months.

(iv) The Trial Court shall follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

This Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

The Manager,
M/s.HDFC-ERGO General Insurance
Company Limited,
'RAHEJA Towers',
No.171, Anna Salai,
Chennai 600 002.

.. Counsel for the Appellants

1. K.Vishweswari
2. K.Savithiri
3. K.Veera Raju
4. K.Bala Vijaya Durga (Minor)
5. K.Sai Saranraj (Minor)
6. A.Arunraj

... Counsel for the Respondents

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.

Judge

Member

Member

To :

The parties/Advocate concerned

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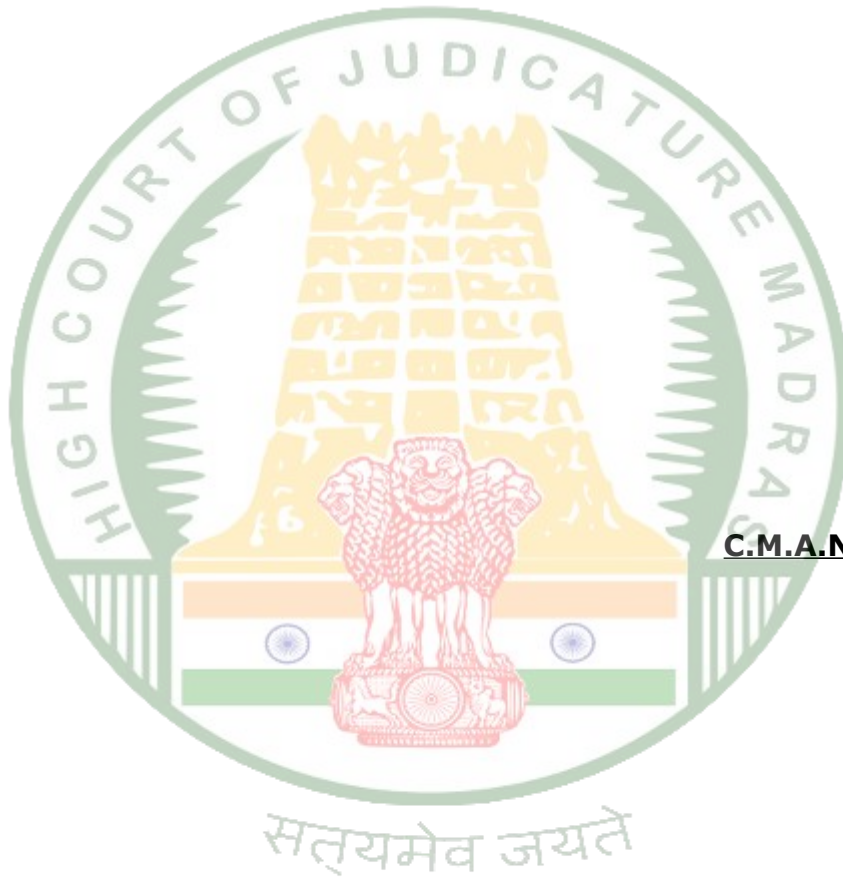
- 1.The Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.
 - 2.The Secretary, High Court Legal Services Committee, Chennai.
 - 3.The Section Officer, V.R.Section, High Court, Madras.
 - 4.The Section Officer, Lok Adalat Section, High Court, Madras.
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S.VAIDYANATHAN,J.

(tsg/aeb)



C.M.A.No.1894 of 2016

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09.03.2019