

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.1137 OF 2018

(Appeal against the judgment and decree passed on 21.11.2015 made in MCOP.No.1069 of 2012 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

1.T.Rama

2.T.Pradeep (declared as major and her mother discharged from the guardian as per the order of this Court dated 10.04.2018 in CMP.No.5087/2018)

3.T.Indumathi (minor)

4.Aarthi (minor)

(Minors are rep. by their mother and natural guardian

1st appellant)

5.Muniammal (died)

.. Appellants

/versus/

1.S.Sundaraj

2.The Chola MS General Insurance Co. Ltd.

Rashmi Towers, No.1 Village Road,

Nungambakkam, Chennai – 34.

.. Respondents

(R1 set exparte before the Tribunal)

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This case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.T.G.Balachandran, learned counsel for appellants and Mrs.Sri Vidya, 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.17,71,000/- with interest at the rate of 7.5% per annum as compensation to the appellants/claimants, who are the legal heirs of the deceased Thulukanam, who died in the motor vehicle accident. 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.1,50,000/- in full quit, over and above the compensation awarded by the Tribunal and the same is hereby, awarded. The award is enhanced accordingly.

3.In view of the above modification, the second respondent/Insurance Company is directed to deposit the aforesaid enhanced compensation amount, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this order. Out of Rs.1,50,000/-, the first appellant is entitled to receive Rs.75,000/- and the appellants 2 to 4 are entitled to receive Rs.25,000/- each. 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. In respect of shares of the minor appellants 3 and 4, the Tribunal shall invest the same in any one of the nationalised bank, till they attain majority and the interest accrued thereon shall be permitted to be withdrawn by the first appellant once in three

months.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs.

1.T.Rama

2.T.Pradeep

3.T.Indumathi (minor)

4.Aarthi (minor)

(Minors are rep. by their mother and natural guardian

1st appellant)

Counsel for the Appellants

The Chola MS General Insurance Co. Ltd.

Rashmi Towers, No.1 Village Road,

Nungambakkam, Chennai – 34.

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.

Judge
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Member

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

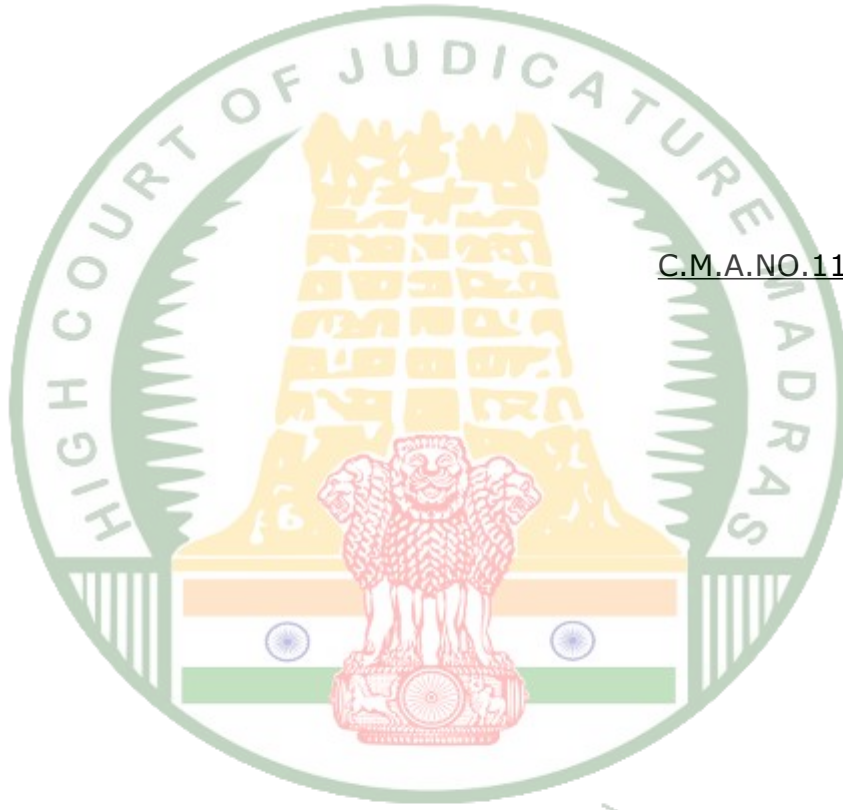
2. The Secretary, High Court Legal Services Committee, Chennai.

3. The Section Officer, V.R. Section, High Court, Madras.

4. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

G.K.ILANTHIRAIYAN, J.

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C.M.A.NO.1137 OF 2018

सत्यमेव जयते

Dated : 13.07.2019

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