

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-II organised by the High Court Legal Services Committee

Friday, the 26th day of April 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE J.A.K.SAMPATHKUMAR (Retd.)
and

Members

Mrs.M.Rajalakshmi
Mr.S.Arokiamaniraj

C.M.A.No.1960 of 2019 and CMP.No.6917 of 2019

(Appeal against the judgment and decree dated 04.01.2019 made in E.C.No73 of 2015 on the file of the Commissioner of Labour for Workman Compensation and Deputy Commissioner of Labour, Coimbatore)

Mr.Sivanantham .. Appellant/Respondent

Vs.

Mrs.Bhavani .. Respondent/Petitioner

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.S.Saravanan, Counsel for the appellant and Mr.A.Suresh, Counsel for the respondent are present.

TERMS OF SETTLEMENT

Appellant/respondent, second respondent/petitioner and their respective counsel are present. First respondent is only a formal party, his signature is not necessary in the award. Appellant and second respondent have filed a Joint Memo of Compromise which reads as follows:-

" It is submitted that the second respondent herein had filed the above E.C.No.73 of 2015 on the file of the 1st respondent for compensation to the death of her husband Nehrumani on 26.01.2014 during the course of employment with the appellant and by order dated 04.01.2019 the appellant

was directed to pay a sum of Rs.6,52,280/- with interest at the rate of 12% per annum from the date of accident.

It is submitted that the appellant had filed the above CMA against the order of the 1st respondent dated 04.01.2019 passed in E.C.73 of 2015 the same is pending on the file of this Hon'ble Court. It is submitted that during the pendency of the above CMA the appellant and 2nd respondent have amicably settled the issues as per the following terms and conditions:-

1. The 2nd respondent agreed to receive the award amount of Rs.6,52,280/- as ordered in E.C.No.73 of 2015 on the file of the 1st respondent as full and final settlement towards the compensation for the death of her husband, loss of love and affection, funeral expenses and mental agony.

2. The 2nd respondent agreed for waiver of the interest for the award amount ordered at the rate of 12% per annum from the date of accident.

3. The appellant has no objection for withdrawal of the award amount of Rs.5,52,280/- by the 2nd respondent in the amount deposited in E.C.No.73 /2015 before the Deputy Commissioner of Labour, Coimbatore.

4. The 2nd respondent has no objection for withdrawal of Rs.1,00,000/- and the accrued interest thereon if any by the appellant in the amount deposited as per the order in E.C.No.73 of 2015 before the Deputy Commissioner of Labour, Coimbatore, in view of the fact that the second respondent acknowledged the receipt of Rs.1,00,000/- (Rupees One lakh only) from the appellant on 27.01.2014 as part of award amount already received.

5. That the appellant and 2nd respondent has signed this joint compromise memo out of their own free will and without anybody compulsion.

6. That the appellant and the 2nd respondent have no objection to dispose the above CMA as per the above said terms and condition. "

2. The Civil Miscellaneous Appeal is disposed of, in view of the aforesaid Joint Memo of Compromise. It shall form part of the decree. The respondent, viz., Mrs.Bhavani is permitted to withdraw the balance award amount of Rs.5,52,280/- without any formal dependant enquiry, which is deposited in E.C.No.73 of 2015 on the file of the Deputy Commissioner of Labour, Coimbatore.

3. Appellant/respondent, viz., Mr.Sivanantham is permitted to withdraw the balance award amount of Rs.1,00,000/- with accrued interest if any in the amount deposited in E.C.No.73 of 2015 on the file of the Deputy Commissioner of Labour, Coimbatore.

Sd/-
Mr.Sivanantham

Sd/-
Counsel for the Appellant

Sd/-
Mrs.Bhavani

Sd/-
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.

***Copy of the Joint Memo of Compromise**

Sd/-
Judge

Sd/-
Member

Sd/-
Member

Sd/-
Assistant Registrar(LA)

//True copy//

Sub Assistant Registrar

adl

To: The parties/Advocate concerned

Copy to:

1. The Commissioner of Labour for Workman Compensation and Deputy Commissioner of Labour, Coimbatore.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras. (2 copies)
4. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

CMA.No.1960 of 2019

VG-II (CO)
GMY (25/06/2019)



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