

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th December 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.A.Manivasakan, District Judge (retd)

Mrs.Sudharshana Sunder

C.M.A.NO.1841 of 2019

(Appeal against the judgment and decree passed on 24.04.2018 made in MCOP.No.236 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Judge) Villupuram).

1.K.Gowtham

2.K.Gowri

3.K.Kowsalya

4.K.Gangaiammal

..

Appellants

/versus/

1.S.Abubakkar

2.The United India Insurance Company Limited

G2, K.B.Nair Castle

Sarojini B.Nair Nagar,

Cuddalore District.

..

Respondents

(R1 was set exparte before the Tribunal)

This matter is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.L.P.Balajiram, learned counsel for appellants/claimants and Mr.P.Sankaranarayanan, 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:

JUDGMENT

The Tribunal has awarded a total compensation of Rs.10,42,986/- with interest at the rate of 7.5% per annum. Being dissatisfied with the quantum so awarded, the appellants/claimants have preferred the present appeal seeking enhancement of the same.

2.It is submitted by the learned counsel for the appellants/claimants that the deceased earned a monthly salary of Rs.29,934/- at the time of accident. However, the Tribunal has taken only a sum of Rs.7,400/- as monthly income of the deceased, while determining the compensation under the head 'loss of income'. Hence, the learned counsel prayed to enhance the compensation awarded by the Tribunal.

3.Upon considering the aforesaid submission and after due deliberation and consultation, both the parties have agreed to enhance the award amount to a sum of Rs.27,00,000/- (Rupees Twenty Seven Lakhs Only) as full quit, over and above the compensation awarded by the Tribunal and the award of the Tribunal is accordingly, enhanced.

4.It is reported that the insurance company has already deposited the award amount passed by the Tribunal along with interest and costs. Hence, the insurance company is directed to deposit the enhanced sum of Rs.27,00,000/- 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 entire compensation amount as per the ratio of apportionment made by them, to the respective savings bank accounts 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.

5.Accordingly, the Civil Miscellaneous Appeal is disposed of.

1.K.Gowtham

2.K.Gowri

3.K.Kowsalya

4.K.Gangaiammal

Counsel for Appellants

The United India Insurance Company Limited
G2, K.B.Nair Castle
Sarojini B.Nair Nagar,
Cuddalore District.

Counsel for 2nd Respondent

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

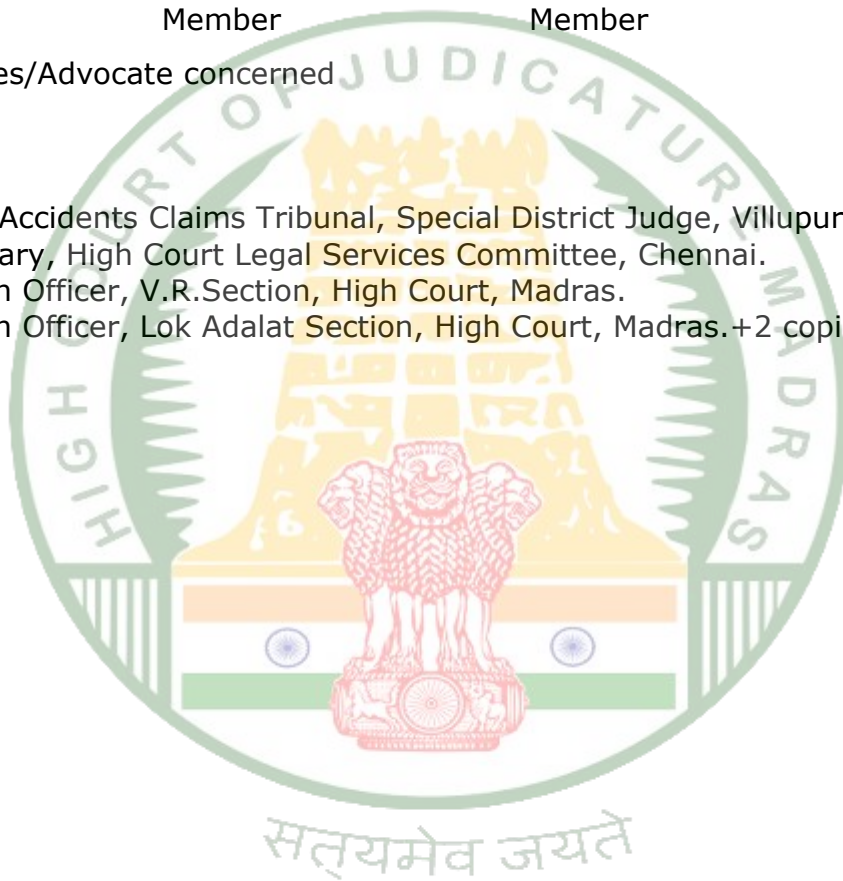
Member

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Special District Judge, Villupuram.
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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