

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

LOK ADALAT-I ORGANISED BY THE HIGH COURT LEGAL SERVICES COMMITTEE
FRIDAY, THE 27TH DAY OF SEPTEMBER, 2019

LOK ADALAT AWARD

(CHAPTER VI AND U/S 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987)
PRESIDED OVER BY

THE HON'BLE MR.JUSTICE N.V. BALASUBRAMANIAN (RETD.)
AND

Member

Mr.V.K.Thirunavukkarasu

CMA.No.1551 of 2018

Appeal against the Judgment and decree dated 04.07.2017 made
in M.C.O.P.No. 7245 of 2015 on the file of the Motor Accident
Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

1. Dayavati
2. Astha Rana (Minor)
3. Harmaini Rana (Minor)
(Minors are represented by their mother
& Next Friend the First Petitioner herein)
...Appellants/Plaintiffs

Vs.

1. K.K.Santhosh S/o.Kumardeh
2. M/s.Cholamandalam General Insurance Co. Ltd,
Harinivas Complex, 2nd Floor,
163, Thambu Chetty Street, Chennai.
...Respondents/Respondents
(1st respondent is set ex-party)

This case has been listed today and came up for settlement
before the Lok Adalat. Mr.Mira Aurobindo Cumar, for A.N.
Viswanatha Rao, the Learned counsel for the appellant,
Mr.Srinivasan, Deputy Manager, M/s. Cholamandalam General
Insurance Company Limited are present. Mrs.R. Sree Vidhya,
the learned Counsel for the 2nd respondent and parties 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 Appeal in C.M.A. No.1551 of 2018 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No. 7245 of 2015 on the file of Motor Accidents Claims Tribunal, (III Judge, Court of Small Causes), Chennai has been referred to Lok Adalat for conciliation today.

2. This is a case of fatal accident and the Tribunal has awarded a sum of Rs.19,41,884/- along with interest @7.5% p.a. from the date of petition till the date of deposit towards the claim made by the Claimants who are the appellants herein.

3. Not satisfied with the award of the Tribunal, the claimants/appellants have preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs. 9,00,000/- (Rupees Nine Lakhs only), as full quit of the claim over and above the awarded amount before the Tribunal.

4. It is represented by the learned counsel for the 2nd respondent/Insurance Company that the entire award amount of the Trial Court has already been deposited in the Tribunal with interest and costs.

5. The 2nd Respondent / Insurance company is directed to deposit the additional award amount of Rs.9,00,000/- (Rupees Nine Lakhs only), as full quit of the claim over and above the awarded amount within a period of four weeks from the date of receipt of a copy of this order.

6. On such deposit, the 1st appellant is permitted to withdraw a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) and the appellants 2&3 are entitled for Rs.1,00,000/- each and their shares shall be deposited in any nationalized bank as they are minors. The mother of the minors is permitted to withdraw interest quarterly on the deposit of the minors, without filing any formal petition before the Tribunal. The Award is passed accordingly.

7.The Tribunal is directed to issue the amount through cheque / RTGS to the parties concerned 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.

Sd/-

1. Dayavati

Sd/-
2. Astha Rana (Minor) Sd/-
3. Harmaini Rana (Minor) Counsel for the Appellant
(Minors are represented by their mother)

Sd/-
M/s.Cholamandalam MS General Insurance Co. Ltd,
Harinivas Complex, 2nd Floor,
163, Thambu Chetty Street, Chennai 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.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

lbm

To:

The parties/Advocate concerned
Copy to:

1. Motor Accident Claims Tribunal,
(Chief Judge, 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.

CMA.No.1551 of 2018

PM(CO)
CS/28/11/2019