

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

Members:-

- (1) Mr.N.Sivathanu, District Judge (Retd.)
- (2) Mr.S.Arokiamaniraj, Advocate

CMA.No.856 of 2018 and CMP.No.7065 of 2018

(Civil Miscellaneous Appeal against the award and decree passed, **dated** 16.12.2016 in **MCOP.No.287 of 2015**, on the file of the Motor Accidents Claims Tribunal (**I Additional District and Sessions Judge**), Vellore

The Divisional Manager,
The National Insurance Company Limited,
rep. By its Divisional Manager
Having Office at Infantary Road, Vellore

Appellant(s)

Vs.

- 1.S.Bhavani
- 2.Minor S.Mythilipriya rep. by her mother
- 3.K.Balasubramaniyam
- 4.B.Rajeswari
- 5.Vikram Reddy
- (5th Respondent Set exparte before the Tribunal)

Respondent(s)

This case came up for settlement before the National Lok Adalat. Both the parties are present. **Mr.S.Arunkumar**, the learned counsel for the Appellant(s) and **Mr.C.P.Sivamohan**, learned counsel for the Respondents present. After mutual discussion, negotiation, mediation and conciliation between both the parties, they arrived at a compromise to settle the matter as follows:-

TERMS OF SETTLEMENT

This Appeal has been filed by the Appellant/ Insurance Company against the impugned award dated 16.12.2016 in **MCOP.No.287 of 2015**, on the file of the Motor Accidents Claims Tribunal (**I Additional District and Sessions Judge**), Vellore

2.The Quantum of Compensation awarded by the Tribunal is **Rs.26,89,000/-** with interest at **7.5%** per annum from the date of petition till the date of deposit of compensation.

3.After due deliberation and consultation, both the parties have **agreed** to modify the award to a sum of **Rs.21,00,000/-** with interest at 7.5% per annum from the date of petition till the date of deposit and the award is modified accordingly.

4.In view of the above, the respondents / claimants are entitled to withdraw their respective shares as apportioned below along with accrued interest thereon.

- (i) First petitioner is entitled to Rs.7,00,000/-
- (ii) Second petitioner/minor is entitled to Rs.10,00,000/-
- (iii) Third and fourth petitioners are entitled to Rs.2,00,000/- each

5. It is submitted by the learned counsel for the appellant / Insurance company that the entire award amount was already deposited by the Insurance company. Hence, the Insurance Company is permitted to withdraw the balance amount lying in the deposit.

6. The Tribunal is directed to transfer the respective shares of the modified award amount to the claimants' Savings Bank Account, through RTGS/NEFT, on proper identification of the account of the claimants in accordance with the terms of the award, without insisting on any formal permission petition.

7. Insofar as the minor share is concerned, the Tribunal is directed to deposit the same in any one of the Nationalised banks till he/she attains majority. On such deposit, the guardian shall be at liberty to withdraw the accrued interest at the six months interval regularly.

8. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, the connected miscellaneous petition, if any, is closed.

The Divisional Manager,
The National Insurance Company Limited,
rep. By its Divisional Manager
Having Office at Infatary Road, Vellore

Counsel for the Appellant(s)

1.S.Bhavani
2.Minor S.Mythilipriya
3.K.Balasubramaniam
4.B.Rajeswari

Counsel for the Respondent(s)

This National 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/Advocates concerned.

Copy to:

- 1.The Motor Accidents Claims Tribunal, I Additional District and Sessions Judge, Vellore
 - 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
- lok/rts

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13.07.2019