

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th day of December, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE C. SARAVANAN
and

Members

Mrs.Revathi G.Mohan
Mr.M.Sambasivam

C.M.A.No.3714 of 2019

[Appeal against the judgment and decree passed on 30.11.2018 in M.A.C.T.O.P.No.1913 of 2013 on the file of the Motor Accidents Claims Tribunal (the learned Principal District Judge), Cuddalore.

1.P.Arulselvan
2.Minor Then Amuthu
3.Minor Kavi Amuthu
(Minor petitioners 2 and 3 are represented by
Guardian N/F father 1st petitioner P.Arulselvan)

... Appellants

1. P.Elangovan
2. The Divisional Managar,
The New India Assurance Company Limited,
DO No.1, Baharathi Road,
Cuddalore - 607001.

vs.

... Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellant Mr.S.Udayakumar and learned counsel for the 2nd respondent / Insurance Company, Mr.J.Chandran 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.9,10,000/- with interest at 8% per annum from the date of petition till the date of realization amount.

2. 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 settle the dispute on payment of Rs.4,00,000/- (Rupees Four lakhs only) in full quit over and above the amount already awarded by the Tribunal.

3. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.4,00,000/- (Rupees Four lakhs only) in full quit, within a period of six weeks from the date of receipt of a copy of this order, failing which, it shall be paid with interest at the rate of 8% per annum from this date till the date of deposit. On such deposit, the 1st claimant / 1st appellant is permitted to withdraw a sum of Rs.2,50,000/- and the claimants 2 and 3 / appellants 2 and 3 are entitled to a sum of Rs.1,50,000/- together, without filing any formal petition. The same shall be deposited in anyone of the nationalised banks till they attain majority. On attaining the age of majority, the appellants 2 and 3 are permitted to withdraw their respective shares on production of age proof certificate before the Tribunal. The Award is passed accordingly.

4. The Tribunal is directed to issue the cheque to the party 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.

P.Arulselvan
(Minor petitioners 2 and 3 are represented by
Guardian N/F father 1st petitioner P.Arulselvan)

Counsel for the Appellants

The Divisional Manager,
The New India Assurance Company Limited,
DO No.1, Baharathi Road,
Cuddalore - 607001.

Counsel for the 2nd respondent

This Lok Adalat award is passed in terms of the above settlement.

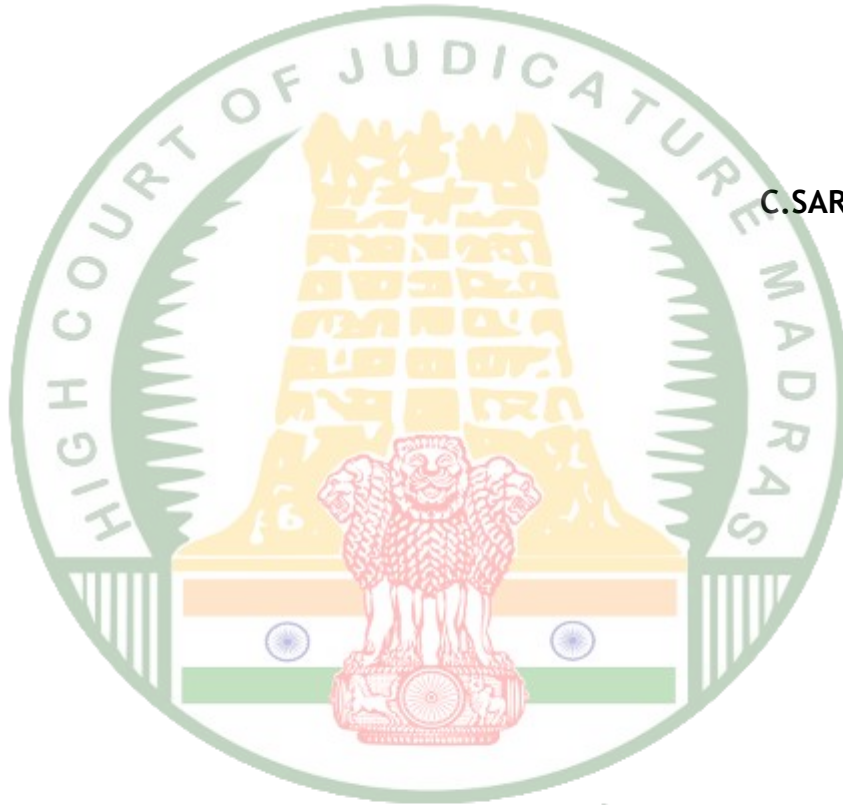
The Court fee paid shall be refunded to the parties in the manner provided under the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

To
The parties/Advocate concerned

Copy to:

- 1.The Motor Accidents Claims Tribunal
(the learned Principal District Judge), Cuddalore.
- 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.

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C.SARAVANAN,J.

rst/dua

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