

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 9th day of March 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 S. VAIDYANATHAN
and

Members: Mrs.S.Jayakumari
Mr.P.Rosaiah

C.M.A.No.2032 of 2014

Appeal against the award and decree passed on 28.06.2013 in M.C.O.P.No.1486 of 2010 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

1.P.Premalatha
2.P.Prithivaka minor
Minor rep. by his mother and next
friend P.Premalatha

.. Appellants

Vs.

1.A.B.T Ltd.,
No.180, Race Course Road,
Coimbatore.
2.The New India Assurance Co., Ltd.,
No.435, D.B.Road, R.S.Puram,
Coimbatore -2.
3.Paul Mani

...Respondents

Though this case has not listed today for settlement before the National Lok Adalat. **Mr.K.Varadha Kamaraj, learned counsel for the Appellants are present. the Mr.J.Chandran, learned counsel for the respondents 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

This is a case of fatal. Challenging the award of the Tribunal dated 28.06.2013 in granting reduced compensation, the claimants have come forward with the present Civil Miscellaneous Appeal seeking enhanced compensation. It is represented by the claimants that the entire award amount has already been deposited by the Insurance Company and the said sum had also been withdrawn by the legal representatives.

2. After negotiation, the award of the Tribunal is modified as follows:

(i) The Insurance Company has agreed to pay a sum of Rs.10,00,000/- as full quit over and above the amount awarded by the Tribunal. Since, the amount awarded by the Tribunal had already been deposited by the Insurance Company, the amount now agreed is directed to be deposited before the Tribunal within a period of four weeks from the date of receipt of a copy of this award. On such deposit the claimants are entitled to withdraw the same as apportioned by the Tribunal.

(ii) The shares in respect of the minor child shall be deposited in any one of the Nationalized Bank under Fixed Deposit scheme till the child attains majority and the interest accrued thereon shall be withdrawn by the mother of the child once in three months.

(iii) The Trial Court shall follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

The Civil Miscellaneous Appeal is disposed of accordingly.

1.P.Premalatha

2.P.Prithivaka

.. Counsel for the Appellants

1.A.B.T Ltd.,
No.180, Race Course Road,
Coimbatore.

2.The New India Assurance Co., Ltd.,
No.435, D.B.Road, R.S.Puram,
Coimbatore -2.

3.Paul Mani

... Counsel for the Respondents

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.

Judge

Member

Member

To :

The parties/Advocate concerned

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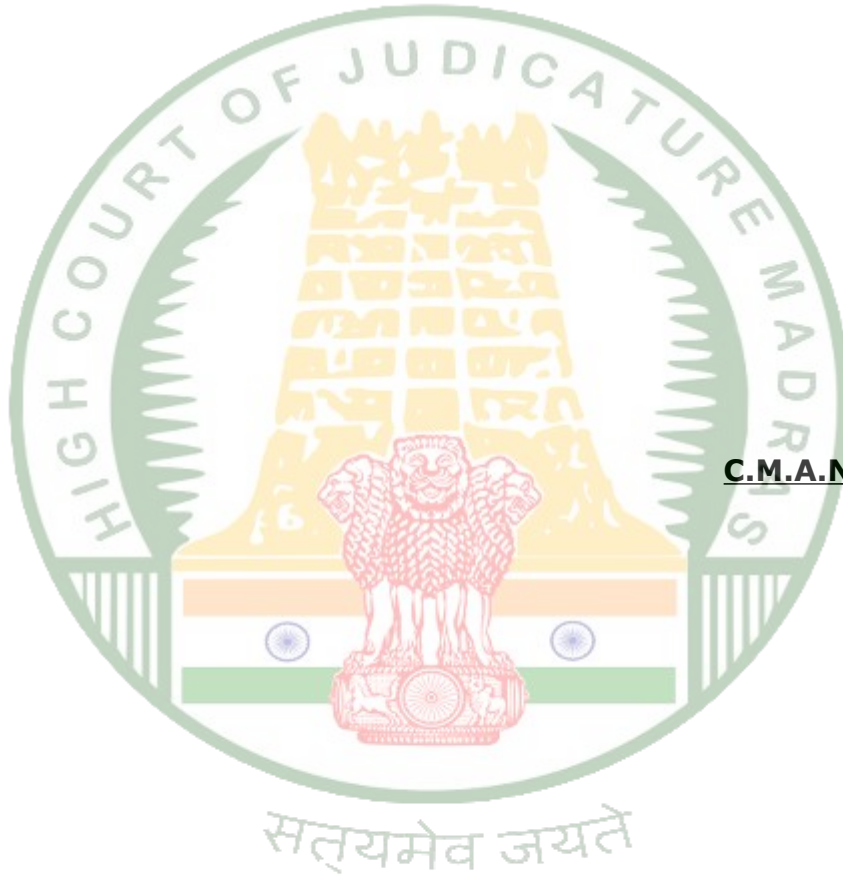
- 1.The Motor Accidents Claims Tribunal, Small Causes Court, Chennai.
 - 2.The Secretary, High Court Legal Services Committee, Chennai.
 - 3.The Section Officer, V.R.Section, High Court, Madras.
 - 4.The Section Officer, Lok Adalat Section, High Court, Madras.
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S.VAIDYANATHAN,J.

rna



C.M.A.No.2032 of 2014

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09.03.2019