

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services
Committee

Saturday, the 13th day of July, 2019

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE R.SUBRAMANIAN

and

Members

Mr.A.Manivasakan, District Judge (Retd.),

Mr.Tranquebar Dorai Vasu

C.R.P.No.2930 of 2014

and

MP.No.1 of 2014

(This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the decree and judgment dated 24.11.2012 made in M.C.O.P.No.265 of 2008 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Salem.

The Managing Director
Tamil Nadu State Transport Corporation Limited
No.12, Ramakrishna Road,
Salem-7.

... Petitioner

Vs.

1. Mariammal
W/o.Kandan

2. Siva Bakkiam
W/o.K.P.Natarajan

3. National Insurance Company Limited
Divisional Office-II, Balaji Tower
Ramakrishna Road, Salem-7.

4. Union of India
Represented by its Secretary to Government of India
New Delhi.

5. The Secretary to Transport Department
Government of Tamil Nadu
Fort St.George, Chennai-9.
 6. The Chairman
National Highways Authority of India
New Delhi.
 7. National Highways Authority of India
Rep. by the Regional Manager,
South India, Chennai.
 8. The Secretary to Government
Department of Revenue
Ministry of Finance
Government of India, New Delhi. ..Respondents/Respondents
- * R4 & R5 suo-moto impleaded as per order of this Court dated 08.07.2015 made in CMA.No.1350 of 2015 etc., batch.
- * R6 & R7 suo-moto impleaded as per order of this Court dated 05.08.2015 made in CMA.Nos.1350 of 2015 etc., batch.
- * R8 suo-moto impleaded as per order of this Court dated 26.07.2017 made in CMA.Nos.1350 of 2015 etc., batch.

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.D.Venkatachalam, learned counsel appearing for the petitioner and Mr.J.Chandran, learned counsel appearing for the third respondent/Insurance Company.

TERMS OF SETTLEMENT

This Civil Revision Petition is directed against the common award of MACT, Salem dated 24.11.2012. The only question in dispute is the apportionment of liability between the Insurance Company and the Transport Corporation. The Tribunal had apportioned the liability at 50%, each.

2. After negotiation, the Transport Corporation as well as the Insurance Company had agreed to modify the award in respect of the apportionment of liability alone. As per the agreement reached between the Insurance Company and Transport Corporation, the Insurance Company has agreed to pay 55% of the compensation awarded and the Transport Corporation has agreed to pay the remaining 45% of the compensation awarded.

3. The Insurance Company shall deposit the additional liability that it will incur in view of the modification of award within a period of four weeks from the date of receipt of a copy of the order. The Transport Corporation also shall deposit the amount due and payable by it within a period of four weeks from the date of receipt of a copy of the order. On such deposit, the claimants are permitted to withdraw the entire compensation.

4. The Civil Revision Petition is disposed of, accordingly. Connected Miscellaneous petition is closed, if any.

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

The Court fee paid shall be refunded to the appellant 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

R.SUBRAMANIAN, J.

mk/jv

The Managing Director
Tamil Nadu State Transport Corporation Limited
No.12, Ramakrishna Road,
Salem-7.

Counsel for the Petitioner

National Insurance Company Limited
Divisional Office-II, Balaji Tower
Ramakrishna Road,
Salem-7.

Counsel for the third respondent

To:
The parties/Advocate concerned

Copy to:

1. The Chief Judicial Magistrate, Salem. (Motor Accidents Claims Tribunal)
2. The National Insurance Company Limited, Divisional Office-II, Balaji Tower, Ramakrishna Road, Salem-7.
3. The Secretary, High Court Legal Services Committee, Chennai.
4. The Section Officer, V.R. Section, High Court, Madras.
5. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

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13.07.2019