

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

Members

Mr. N.Ramachandran
Mr. N.Dhanasekaran

Civil Miscellaneous Appeal No.585 of 2014

(Appeal against the award and decree passed on 25.10.2013 in MACTOP No.4328 of 2012 on the file of the Motor Accidents Claims Tribunal, Special Sub-Judge I (Court of Small Causes), Chennai.)

- 1.E.Kamu
- 2.E.Netaji (Minor)
- 3.E.Neetheeswaran (Minor)
- 4.E.Balamurugan (Minor)

Minors represented by mother and next friend,
the first appellant herein.

- 5.S.Chandra

.. Appellants/claimants

Vs.

- 1.T.Thanasekaran (Set exparte in Trial Court)
2. The New India Assurance Company Ltd.,
Motor Third Party Claims Cell
No.45, Moore Street
Chennai-600 001.

.. Respondents/Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellants, Mr.M.Swamikkannu and the learned counsel for the 2nd respondent, 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.10,81,800/- with interest at 7.5% per annum from the date of petition till the date of deposit as compensation.

2.Aggrieved against the award of the Tribunal, the appellants/claimants have preferred the present appeal for enhancement.

3. It is submitted by the learned counsel appearing for both sides that the compensation amount, as awarded by the Tribunal, has been deposited by the second respondent and the same has been withdrawn by the claimants also.

4. Now both the parties have agreed to enhance the award with a further sum of Rs.6,20,000/- in full quit (inclusive of interest) (over and above the award awarded by the Claims Tribunal). The second respondent / Insurance Company is directed to deposit the enhanced award amount (Rs.6,20,000/-) within a period of six weeks from the date of receipt of a copy of this award.

5. The apportionment between the appellants 1 to 5 / claimants 1 to 5 shall be as per the ratio of apportionment made by the Claims Tribunal. Thus, on the deposit being made by the second respondent / Insurance Company, the major claimants / appellants 1 and 5 are permitted to withdraw their share of compensation and the share of the minor claimants / minor appellants / appellants 2 to 4 shall be deposited in any one of the Nationalized Banks, in a Fixed deposit, interest yielding account, till the minors attain majority. The interest accrued thereon shall be withdrawn by the guardian of the minor claimants, once in three months, directly from the Bank and shall be utilised for the welfare of the minors.

7. The Award is passed accordingly. The Tribunal is directed to transfer the said amount to the account of the major claimants / appellants 1 and 5, on proper identification, through RTGS, in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly.

1.E.Kamu

2.E.Netaji (Minor)

3.E.Neetheeswaran (Minor)

4.E.Balamurugan (Minor)

5.S.Chandra

Counsel for the Appellants

1.T.Thanasekaran

2. The New India Assurance Company Ltd.,
Motor Third Party Claims Cell
No.45, Moore Street
Chennai-600 001.

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.

To
The parties/Advocate concerned
Copy to:

1. Motor Accidents Claims Tribunal, Special Sub-Judge I (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.+2 copies
- KM

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R.MAHADEVAN, J.,

KM



C.M.A.No.585 of 2014

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09.03.2019