

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

and

Members

Mr.N.Sivathanu, District Judge (retd)

Mr.S.Arokiamaniraj

C.M.A.NO.95 OF 2014

(Appeal against the judgment and decree passed on 28.02.2013 made in MCOP.No.1716 of 2008 on the file of the Motor Accidents Claims Tribunal, XVII Additional Judge, Chennai.

1.B. Franciscal

2.D.Balraj

Appellants

/versus/

1.B. Chinna Durai,
(R1 set exparte before the Tribunal)

2.Cholamandalam MS General Insurance Co. Ltd.,
"Dare House" II Floor, No.2, NSC Bose Road,
Chennai-600 001.

Respondents

This case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.M.Muthurajan, learned counsel for appellant and Mrs.Sri Vidhya, learned counsel for the second respondent/insurance company 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.5,00,000/- with interest at the rate of 7.5% per annum as compensation to the appellants/claimants who are the legal heirs of the deceased B.Franklin Joseph, who died in the motor vehicle

accident. Being not satisfied with the same, the claimants have preferred this appeal seeking enhancement.

2. After due deliberation and consultation, both the parties have agreed to modify the award amount to a sum of Rs.5,00,000/- in full quit, over and above the compensation awarded by the Tribunal and the same is hereby, awarded. The award is enhanced accordingly.

3. In view of the above modification, the second respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) out of which the first appellant is entitled to receive an amount of Rs.6,00,000/- and the second appellant is entitled to receive an amount of Rs.4,00,000/-, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal shall transfer the same to the savings bank account of the appellant/claimant through RTGS forthwith, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs.

1.B. Franciscal
2.D.Balraj

Counsel for the Appellants

Cholamandalam MS General Insurance Co. Ltd.,
"Dare House" II Floor, No.2, NSC Bose Road,
Chennai-600 001.

Counsel for 2nd respondent

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

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and 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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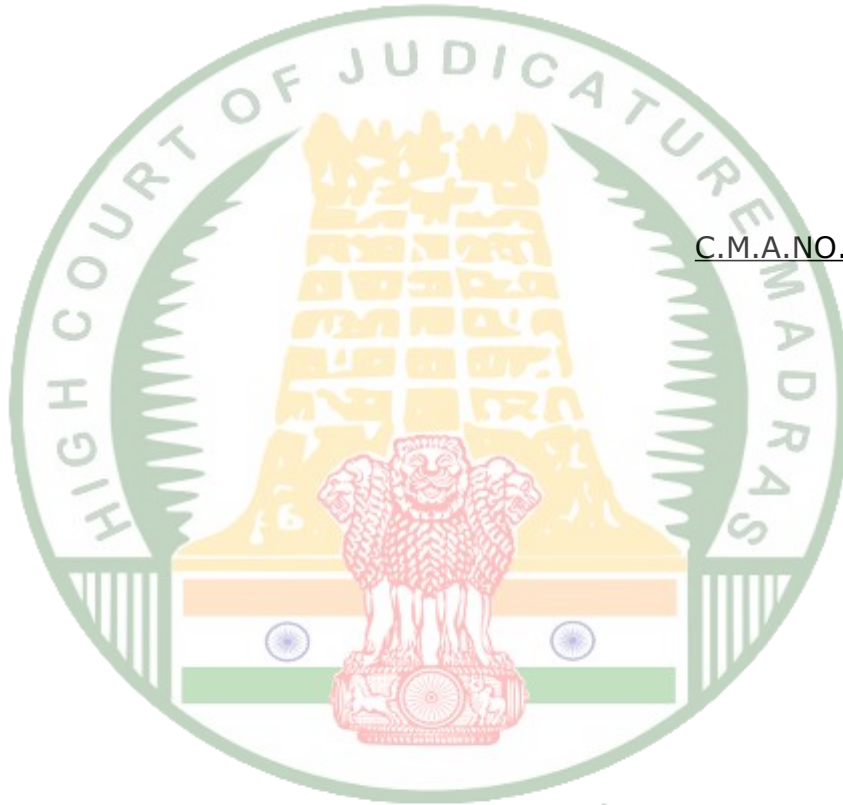
1. The Motor Accidents Claims Tribunal, XVII Additional Court, Chennai.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras. +2 copies

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G.K.ILANTHIRAIYAN, J.

msm



C.M.A.NO.95 OF 2014

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Dated : 13.07.2019

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