

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.4608 OF 2019

[Appeal against the judgment and decree passed on 31.07.2014 in MCOP.No.192 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.

1. Govindnan @ Govindappa

2. Minor Arun

3. Minor Sushma @ Santhi

(Minor appellants rep.by their father and natural guardian 1st appellant Govindan @ Govindappa)

... Appellants

Vs.

1. Abishek Prakash

2. The Branch Manager,

New India Assurance Company Limited,

No.14/7-KG Complex, Banagalur Road,

Hosur, Krishnagiri District.

(No relief sought against the 1st respondent.

Hence notice may be dispense with)

... Respondents

Though this case is not listed before this forum settlement, it is taken up for hearing at the instance of the learned counsel for the appellants. Both the parties are present. The learned counsel for the appellants Mr. C.Prabakaran and learned counsel for the 2nd respondent / Insurance Company, Mrs. Sreevidhya 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.9,46,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the learned counsel for the second respondent that the amount has already been deposited before the Tribunal.

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 quits 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 quits (inclusive of interest), within a period of four weeks from the date of receipt of a copy of this order, failing which, it shall pay interest at the rate of 7.5% per annum from this date till the date of deposit. Out of Rs.4,00,000/- 1st appellant is entitled to withdraw a sum of Rs.2,00,000/- and the 2nd appellant is entitled to withdraw a sum of Rs.1,00,000/-. The 3rd appellant is entitled to withdraw a sum of Rs.1,00,000/-. The share of the minor appellant/ 3rd claimant is directed to deposit in a fixed deposit in anyone of the nationalised banks till she attain majority. On attaining the age of majority, the appellant/ 3rd claimant is permitted to withdraw her share on production of age proof certificate before the Tribunal. Subsequent to the award passed by the Tribunal, the 2nd respondent has attained majority and he is declared major and the second respondent is permitted to withdraw his share in entirety. On such deposit, the claimants/ appellants 1 and 2 are permitted to withdraw the enhanced award amount without filing any formal petition. 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. Consequently, connected Miscellaneous Petitions are closed, if any.

1. Govindnan @ Govindappa
2. Minor Arun
3. Minor Sushma @ Santhi

Counsel for the Appellants

The Branch Manager,
New India Assurance Company Limited,

No.14/7-KG Complex, Banagalur Road,
Hosur, Krishnagiri District.

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
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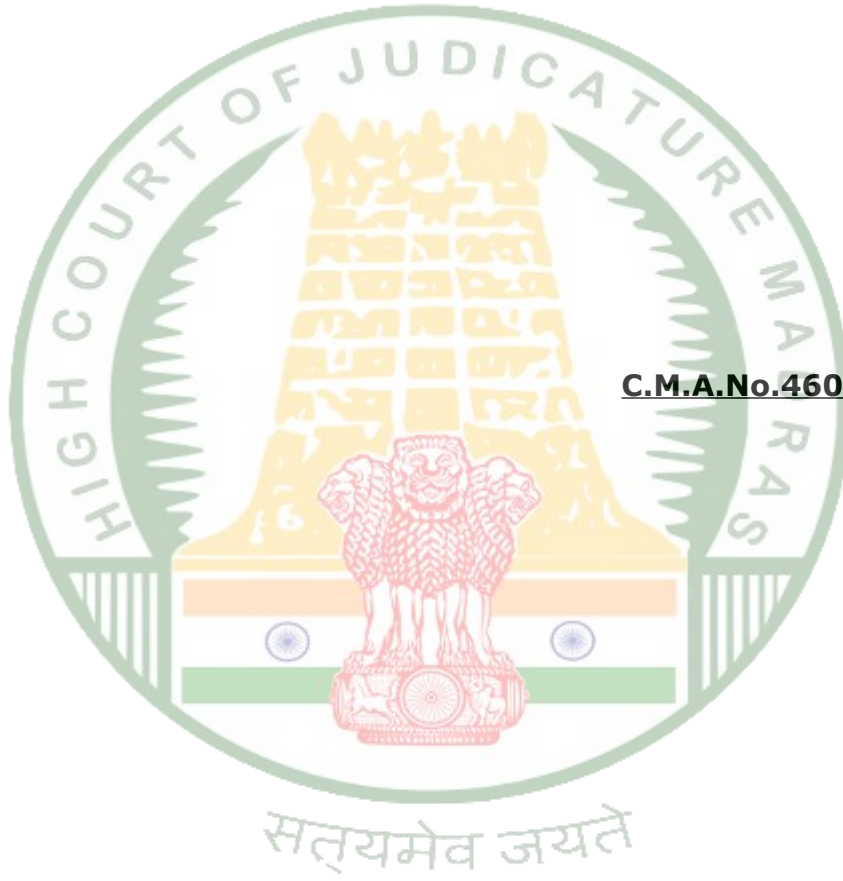
1. The Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R. Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras.

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C.SARAVANAN.,J.

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14.12.2019