

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.2347 OF 2017

(Appeal against the judgment and decree passed on 08.07.2014 made in MCOP.No.5676 of 2011 on the file of the Motor Accidents Claims Tribunal, VI Court of Small Causes, Chennai).

1.S.Suhashini

2.S.Kishore (minor)

3.S.Varshan (minor)

Minors are rep. by their mother and natural guardian

1st appellant

4.K.Pankajam

.. Appellants

/versus/

1.M.Peera

2.The Cholamandalam MS General Insurance Co. Ltd.

Now office at Shaw Wallace Building,
No.154, 2nd Floor, Thambu Chetty Street,
Chennai -1.

.. Respondents

(R1 set exparte before the Tribunal)

This case is taken up for settlement before this Lok Adalat. Both the parties are present. Mr.Anand and Suryas, learned counsel for appellants and Mrs.Sri Vidya, 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.36,60,000/- with interest at the rate of 7.5% per annum as compensation to the appellants/claimants, who are the legal heirs of the deceased K.Sridharan, who died in the motor vehicle

accident. Being not satisfied with the same, the claimants has 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.9,50,000/- 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 aforesaid enhanced compensation amount, 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 respective shares as per the ratio of apportionment made by the Tribunal, to the savings bank account of the appellants/claimants through RTGS forthwith, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition. In respect of the minor shares, the Tribunal shall invest the same in any one of the nationalised bank, till they attain majority and the interest accrued thereon shall be permitted to be withdrawn by the first appellant once in three months.

4. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected civil miscellaneous petition, if any, is closed.

1.S.Suhashini

2.S.Kishore (minor)

3.S.Varshan (minor)

Minors are rep. by their mother and natural guardian

1st appellant

4.K.Pankajam

Counsel for the Appellants

The Cholamandalam MS General Insurance Co. Ltd.

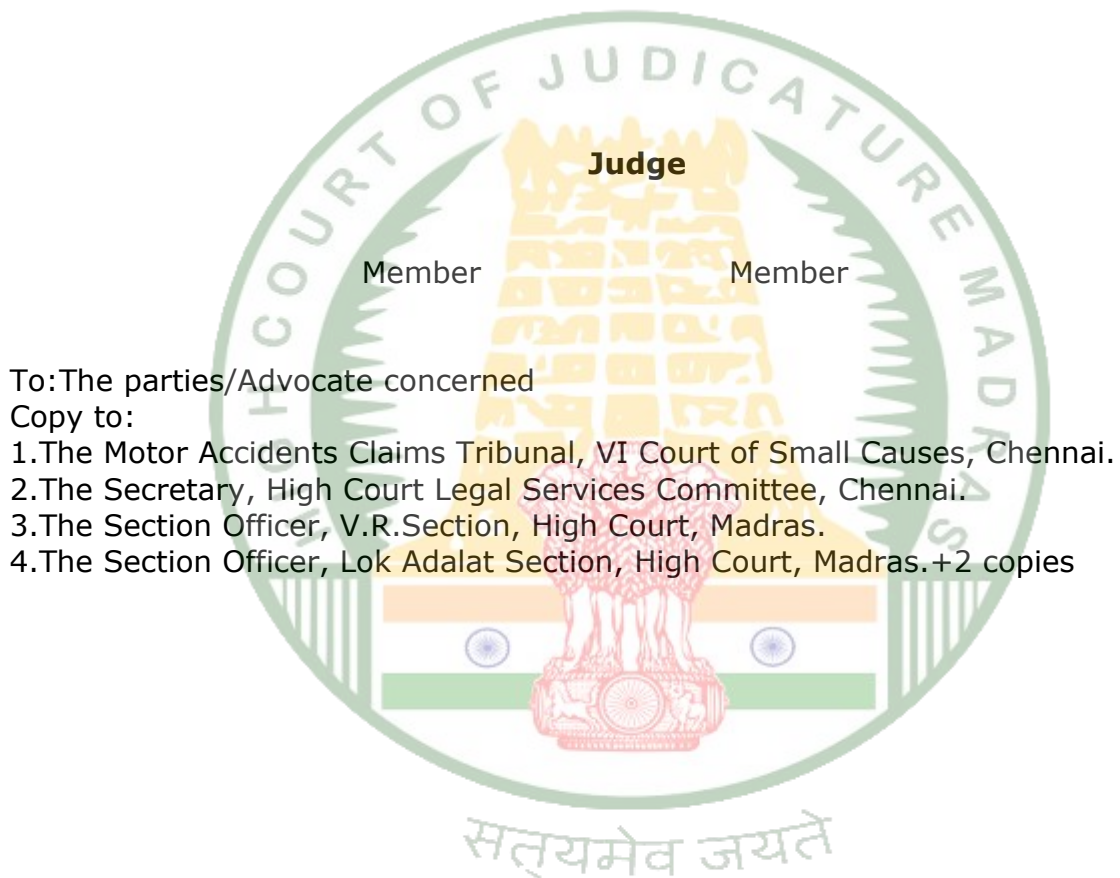
Shaw Wallace Building, No.154, 2nd Floor,

Thambu Chetty Street, Chennai -1.

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.



To: The parties/Advocate concerned

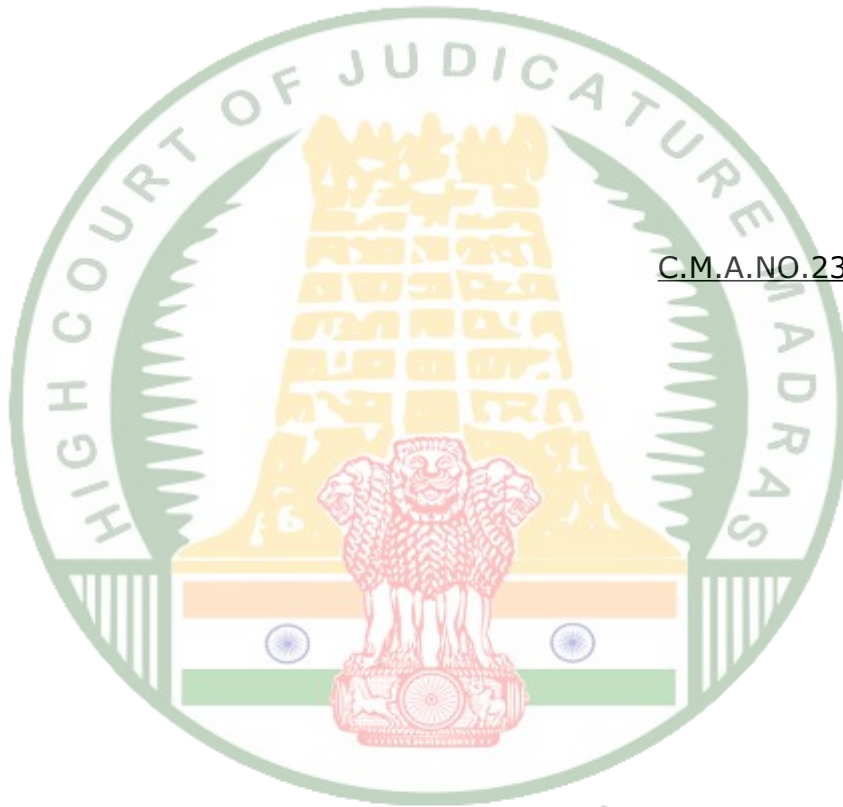
Copy to:

1. The Motor Accidents Claims Tribunal, VI 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

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G.K.ILANTHIRAIYAN, J.

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C.M.A.NO.2347 OF 2017

Dated : 13.07.2019

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