

NATIONAL LOK ADALAT

Organised by the High Court Legal Services Committee
Saturday, the 09th day of March, 2019

LOK ADALAT AWARD

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

Presided by

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

and

Members:

Mr.T. Sankara Narayanan Pillai
Mr.Tranqubar Dorai Vasu

C.M.A.No.2361 of 2017

The Appeal is filed to enhance the award against the Judgment and decree dated 18.01.2017 and made in M.A.C.T.O.P.No.5728 of 2015 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

- 1.Datchayani
W/o.Late.Jayaprakash
- 2.Bharath Kumar (minor)
S/o.Late.Jayaprakash
- 3.Sakthi Kumar (minor)
S/o.Late.Jayaprakash
minors rep. by their mother Dhatchayani
as natural guardian and next friend
- 4)Vasanth,
W/o.Late.Vasudevan,
All are residing at
Parameswara Mangalam Village & Post,
Arakonam Taluk,
Vellore District.

...Appellants

Vs.

- 1.D.Maran,
No.19, Vinayagam Nagar, Nemili Road,
Sriperumbudhur,
Kancheepuram District-602 105.

2.United India Insurance Company Limited,
Silingi Building, 4th floor,
No.134, Greams Road,
Chennai-6.

...Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. The learned counsel for the appellants Mr.F.Terry Chella Raja and the learned for the respondents Mr.Arun Kumar 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 appellants have preferred the present appeal aggrieved against the Award of the Tribunal to enhance the compensation.

2. It is represented by the United India Insurance Co. Ltd., that the amount claimed before the Tribunal is Rs.30,00,000/- and the amount awarded by the Tribunal is Rs.18,93,000/-. Now, the Insurance company has further agreed to deposit a sum of Rs.4,25,000/- in full quit over and above the trial Court award.

3.By way of compromise, it is agreed by both the sides that the enhanced compensation amount of Rs.4,25,000/- and it shall be deposited within a period of six weeks from the date of receipt of a copy of this order as full quit and the 1st claimant is permitted to withdraw a sum of Rs.2,50,000/-, and the 2nd claimant is permitted to withdraw a sum of Rs.75,000/- and the 3rd claimant is permitted to withdraw a sum of Rs.75,000/- and the 4th claimant is permitted to withdraw a sum of Rs.25,000/-, without filling any petition. Award is modified accordingly.

4. The Tribunal is directed to transfer the above said modified award amount to the individual bank account of the appellant by way of NEFT/RTGS, on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

5. The Civil Miscellaneous Appeal is disposed of accordingly.

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.

1. Datchayani
2. Bharath Kumar (minor)
3. Sakthi Kumar (minor)
4. Vasantha

... Counsel for the Appellant

United India Insurance Company Limited,
Silingi Building, 4th floor,
No.134, Greams Road,
Chennai-6.

... Counsel for the 2nd Respondent

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Judge

Member

Member

M.NIRMAL KUMAR.J,

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To

The parties/Counsel concerned

Copy to

- 1.The Motors Accidents Claims Tribunal,
In the III 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.



C.M.A.No.2361 of 2017

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09.03.2019