

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

LOK ADALAT-I ORGANISED BY THE HIGH COURT LEGAL SERVICES COMMITTEE
FRIDAY, THE 24TH DAY OF JANUARY 2020

LOK ADALAT AWARD

(CHAPTER VI AND U/S 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987)

PRESIDED OVER BY

THE HON'BLE MR.JUSTICE M.THANIKACHALAM (RETD.)

AND

MEMBER:

MR.S.ARUMUGAM, SUB JUDGE (RETD.,)

CMA.No.1405 of 2018

Appeal against the Judgment and decree dated 11.07.2014 made in W.C.No.279 of 2010 on the file of the Deputy Commissioner for Workmen Compensation-II at Chennai.

1. S.Banu
 2. S.Asim Basha
 3. S.Haniff Basha
(Appellants 2 and 3 are declared as major and guardian is discharged as per this order of this Lok Adalat today i.e., 24.01.2020)
 4. Minor S.Ishak Basha
(Minor 4th appellant is represented by mother and natural guardian S.Banu, the first appellant)
 5. S.Sheriffa
 6. S.Shaik Noor Basha
- ...Appellants

Vs.

1. K.S.Babuji
 2. Shriram General Insurance Co. Ltd.,
No.E-8, EPIP, RIICO Industrial Area, Sitapura
Jaipur, Rajasthan, India, Pincode - 302 022.
 3. Shriram General Insurance Co. Ltd.,
No.66, Thirumalai Pillai Road
Thyagaraya Nagar, Chennai - 17.
- ...Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Mr.K.R.Ponnuswamy, learned counsel for M/s.Anand and Suryas appearing for the Appellants, Mr.K.Poomalai, learned counsel for the Respondents 2 and 3 and the parties are present. First respondent remained exparte before this Lok Adalat.

The appeal in CMA.No.1405 of 2018 pending on the file of High Court, Madras and preferred against the award passed in W.C.No.279 of 2010 on the file of the Deputy Commissioner for Workmen Compensation-II, Chennai, has been referred to Lok Adalat for conciliation today. 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' breadwinner, by name, Sheik Basha was employed under the first respondent as a lorry driver. It seems that he died in an accident and the lorry was insured with the respondents 2 and 3. For the death of the breadwinner, a claim was filed before the Deputy Commissioner for Workmen Compensation-II, Chennai and Rs.10,00,000/- (Rupees Ten Lakhs only) was claimed. But the Deputy Commissioner for Workmen Compensation-II, Chennai passed an order awarding a sum of Rs.3,94,280/- with interest thereon after 30 days at the rate of 12% per annum.

2. The claimants not satisfied with the award passed by the Deputy Commissioner for Workmen Compensation-II at Chennai, preferred this CMA claiming a sum of Rs.6,05,720/-. When the matter is pending, the parties gathered together and discussed the matter in order to give a full stop for the litigation and thereby reached an understanding, in which the Insurance Company had agreed to pay a further sum of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) in addition to the amount already granted by the Deputy Commissioner for Workmen Compensation-II, Chennai. It is also represented that the Insurance Company had deposited the award amount with interest thereon before the Deputy Commissioner for Workmen Compensation-II and this amount appears to have been withdrawn by the majors, leaving the balance of the minors' shares.

3. As on this date, as represented minor claimants/appellants 2 and 3 herein, namely, Asim Basha and Haniff Basha have attained majority and evidencing the same and to declare the same as well as to discharge the guardian, a petition has been filed with School Certificate which would

indicate that two minors have attained majority. Therefore, appellants 2 and 3 are declared as major and guardian is hereby discharged.

4. Both parties are represented by their counsel. In addition, the appellants 1 to 3 are present and minor 4th appellant is represented by guardian/first appellant. The appellants 5 and 6 ie., mother and father of the deceased also present and also accepted the terms of compromise. Equally, the Insurance Company represented by Ms.Anbin Vinnarasi (Legal Executive) also present, accepting the compromise.

5. In view of the above compromise, the trial Court award is modified directing the Insurance Company to pay a further compensation of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) in full and final quit of the claim, in addition to the amount already deposited. The Insurance Company is directed to deposit the enhanced amount of compensation, namely, Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) within six weeks from the date of receipt of copy of this order.

6. On deposit by the Insurance Company, the parents of the deceased/appellants 5 and 6 are entitled to withdraw Rs.50,000/- (Rupees Fifty Thousand only) each and the rest of the amount shall be divided equally by the appellants 1 to 4. Since the appellants 1 to 3 are majors, they are entitled to withdraw the amount as per the procedure. As far as minor appellant, namely, fourth appellant is concerned, his share shall be deposited in any one of the Nationalised Banks, till he attains majority.

7. As far as the amount awarded by the Deputy Commissioner for Workmen Compensation-II, Chennai, major claimants (major appellants herein) are entitled to withdraw the same as per the order passed by the Deputy Commissioner for Workmen Compensation-II, Chennai.

8. The Tribunal is directed to issue the amount through cheque / RTGS to the parties concerned on proper identification in accordance with the terms of the award, without insisting on any formal permission petition.

Sd/-

1. S.Banu
(for herself and for minor 4th
respondent S.Ishak Basha)

Sd/-

2. S.Asim Basha

Sd/-
3. S.Haniff Basha

(LTI)
5. S.Sheriffa

(LTI)
6. S.Shaik Noor Basha

Sd/-
Counsel for the Appellants

1. K.S.Babuji

Sd/-
2. Shriram General Insurance Co. Ltd.,
No.E-8, EPIP, RIICO Industrial Area, Sitapura
Jaipur, Rajasthan, India, Pincode - 302 022.

Sd/-
3. Shriram General Insurance Co. Ltd.,
No.66, Thirumalai Pillai Road
Thyagaraya Nagar, Chennai - 17.

Sd/-
Counsel for the Respondents

9. 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.

10. This Lok Adalat Award is passed accordingly and the Civil Miscellaneous Appeal is disposed of. No order as to costs.

Sd/-
Judge

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Sd/-
Member

Sd/-
Assistant Registrar(LOK ADALAT)

//True Copy//

Sub Assistant Registrar

MRA

To:

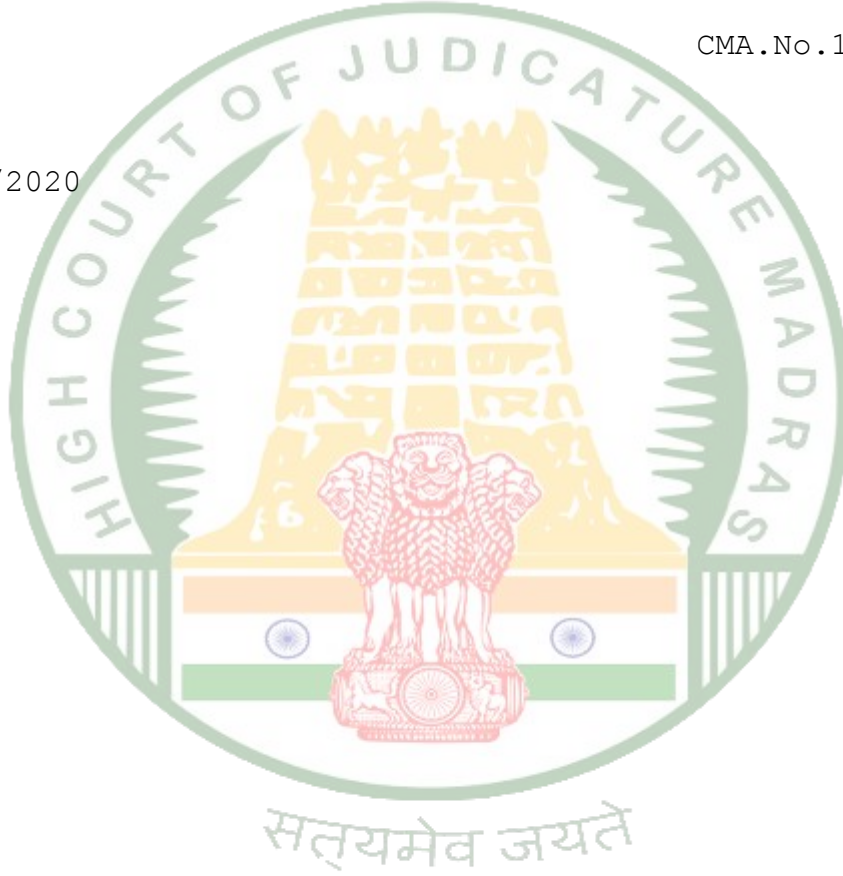
The parties/Advocate concerned

Copy to:

1. Deputy Commissioner for Workmen Compensation-II at 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.
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CMA.No.1405 of 2018

LN(CO)
KKV/23/10/2020



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