

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, the 3rd day of February, 2020

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE K.SWAMIDURAI (Retd.)

and

Member:

Mr.J.Venkatesa Perumal

CMA.No.129 of 2014 and M.P.No.1 of 2014

Appeal against the Judgment and Decree dated 19.02.2013 made
in M.C.O.P.No.1309 of 2009 on the file of the Motor Accidents
Claims Tribunal, XV Additional District Judge, Chennai.
Oriental Insurance Co. Ltd.,
Divisional Office No.X,
Dwaraka 2nd Floor
No.79, Uthamar Gandhi Road
Chennai - 600 034. Appellant /2nd Respondent

Vs.

1. E.Balasekar
2. Anitha Balasekar
3. Selvi. Namratha
(Minor represented by his father and natural
guardian E.Balasekar, first respondent herein)
...Respondents 1 to 3/Petitioners
4. V.Velayutham
(4th respondent exparte in lower Court)
...4th Respondent/Ist Respondent

This case has been listed today under the caption 'Notice
Cases' and came up for settlement before the Lok Adalat.
M/s.N.Vijayaraghavan, learned counsel for the Appellant and
M/s.K.J.Nithianandam and L.Baskaran, learned counsel for the
Respondents 1 to 3 and Mrs.Umamaheswari, Deputy Manager,
M/s.Oriental Insurance Company Limited and the first respondent
E.Balasekar, for himself and on behalf his minor daughter/third
respondent, and second respondent are present. Fourth
respondent remained exparte. 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 appeal in CMA.No.129 of 2014 pending on the file of High Court, Madras and preferred against the award passed in MCOP.No. 1309 of 2009 on the file of the Motor Accidents Claims Tribunal, XV Additional District Judge, Chennai, has been referred to Lok Adalat for conciliation today.

2. The Appellant, who is the second respondent before the Tribunal, assisted by counsel and represented by Mrs.Umamaheswari, Deputy Manager of Oriental Insurance Company Limited and the first respondent/father, for himself and on behalf his minor daughter/third respondent, and second respondent/mother, assisted by counsel are present before Lok Adalat today for conciliation.

3. This is a case of Motor Accident causing death of the child of the respondents 1 and 2 herein. The Tribunal has awarded a sum of Rs.11,20,000/- (Rupees Eleven Lakhs and Twenty Thousand only) as compensation along with interest at 7.5% per annum from the date of petition till the date of realisation along with proportionate cost.

4. Not satisfied with the award of the Tribunal, the appellant/second respondent/Insurance Company has preferred this appeal for reducing the compensation.

5. After due deliberation and discussion, both the parties have compromised the disputed claim at Rs.10,00,000/- (Rupees Ten Lakhs only) with interest at 7.5% per annum from the date of petition till the date of realisation and costs, against the amount awarded by the Tribunal. The Appellant/ Insurance Company has agreed to deposit the modified compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) with interest and costs, within six weeks from the date of receipt of copy of this award. It is stated that the Insurance Company has already deposited 50% of the amount awarded by the Tribunal, as per the order of the High Court dated 20.02.2014 made in M.P.No.1 of 2014.

5. In view of the compromise arrived at between both the parties, the Lok Adalat hereby declare and decree that the Appellant/Insurance company shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with interest at 7.5% per annum from the date of petition till the date of realisation (excluding the period of dismissal for default, if any) and costs, against the amount awarded by the Tribunal. The Insurance Company shall deposit the modified award amount with interest and costs, after

deducting the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this award.

6. Out of the total modified award, respondents 1 and 2 / parents of the deceased are entitled to a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) each and minor daughter is entitled to Rs.3,00,000/- (Rupees Three Lakhs only). On deposit, respondents 1 and 2 / parents of the deceased are permitted to withdraw their respective share, viz., Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) each, with proportionate interest and costs, immediately without filing any formal petition. The remaining sum of Rs.3,00,000/- (Rupees Three Lakhs only) with proportionate interest shall be deposited in the name of the minor third respondent/third claimant in a Nationalised Bank, proximate to the residence of the respondents/claimants, in a Fixed Deposit, till she attains majority and the first respondent/father/natural guardian of the third respondent is permitted to withdraw interest from the share of the minor third respondent/daughter, once in three months, directly from the Bank. Award is passed accordingly.

7. The Tribunal is directed to issue the amount through cheque / RTGS 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 Petition is closed. No order as to costs.

Sd/-
Oriental Insurance Co. Ltd.,
Divisional Office No.X,
Dwaraka 2nd Floor
No.79, Uthamar Gandhi Road
Chennai - 600 034.

Sd/-
Counsel for the Appellant

Sd/-
1. E.Balasekar
(for himself and on behalf of minor
third respondent Namratha)

Sd/-
2. Anitha Balasekar

Sd/-
3. Namratha (Minor)

Sd/-
Counsel for the Respondents

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.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar (L.A)

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

- 1.The XV Additional District Judge,
Motor Accidents Claims Tribunal,
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.129 of 2014
and
M.P.No.1 of 2014

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srg 15/12/2020