

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Friday, the 28th 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 M.THANIKACHALAM (Retd.)
and

Member:

Mrs.M.Rajalakshmi, District Judge (Retd.,)

CMA.Nos.3805 of 2019 and 757 of 2020
and
CMP No.21876 of 2019

Appeals against the Judgment and decree dated 23.04.2019
made in MCOP No.324 of 2015 on the file of the Motor Accident
Claims Tribunal (Principal Subordinate Judge), Vridhachalam.

Royal Sundaram Allianace Insurance Co. Ltd.,
2nd Floor, Subramanya Building,
Opposite to Spencer Tower
No.1, Club House Road, Chennai ..Appellant in CMA No.3805/2019/
2nd Respondent and second respondent
in CMA No.757 of 2020

Vs.

1. Alex Mary Selastin
2. Tony Stewart
3. George Stewaugh
4. Minor Roosewelt Rosario
(Represented by his mother
Alex Mary Selastin)

... Respondents 1 to 4 in
CMA No.3805/2019/1to 4 Petitioner
in CMA No.757/2020and appellants in
CMA No.757/2020/Petitioners

5.P.Kathirvel ... Fifth respondent in CMA No.3805/2019/
1st Respondent and first respondent in
CMA No. 757/2020 / 1st Respondent

This case has been listed today and came up for settlement before the Lok Adalat. M/s.M.Krishnamoorthy, learned counsel for the Appellant/Insurance Company assisted by Mr.Purshottam Singhal (Manager-Legal) of the Insurance Company and Mr.S.Udhayakumar, learned counsel for the respondents 1 to 4, and the respondents 1 to 4 are present. Fifth respondent in CMA No.3805/2019, who is first respondent in CMA No. 757/2020 remained exparte before this Lok Adalat.

The appeal in CMA.Nos.3805 of 2019 and 757 of 2020 pending on the file of High Court, Madras and preferred against the award passed in MCOP No.324 of 2015 on the file of the Motor Accident Claims Tribunal (Principal Subordinate Judge), Vridhachalam, 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 parties are referred as arrayed in the claim petition.

2. One Selvaraj met with a road accident and died and for the death of the said Selvaraj, a claim came to be filed before the Accidents Claims Tribunal, Vridhachalam, quantifying the compensation at Rs.50,00,000/- against the owner of the offending vehicle as well as the Insurance Company. After trial, the Tribunal passed an award for Rs.35,78,440/- with usual interest.

3. The Insurance Company, aggrieved by the award preferred CMA No.3805 of 2019 and the same is pending. Similarly, the claimants are also aggrieved with the award amount given is not fair and justifiable, resulting in an appeal by them, which is pending as CMA No.757 of 020.

4. Both the appeals came before this forum for settlement, compromise, and consequential recording. The parties to the lis in both the appeals, which had arisen from the single MCOP sat together, discussed the matter in detail and arrived a fair and just conclusion quantifying the compensation amount payable as Rs.40,00,000/- (Rupees Forty Lakhs only) in full quit of the entire claim, in both the appeals ie., in MCOP No.324 of 2015 on the file of Principal Sub Court, Vridhachalam. The parties to the lis present represented by their counsel and the Insurance Company is represented by Mr.Purshottam Singhal (Manager-Legal). All of them, on enquiry about the settlement reached as stated above, have agreed without any demur praying for recording the compromise also.

5. The learned counsel for the claimants and the parties have agreed for apportionment of the award amount also such as from the above settled amount, the first claimant is entitled to Rs.19,00,000/- (Rupees Nineteen Lakhs only), claimants 2 to 4 are each entitled to Rs.7,00,000/- (Rupees Seven Lakhs only). As far as the fourth claimant is concerned, he is a minor and the share belongs to this minor shall be deposited as recorded by the Tribunal, till he attains the majority, in a reinvestment scheme, for which there is no objection from any quarter.

6. It is represented on behalf of the Insurance Company that already Rs.23,97,024/- (Rupees Twenty Three Lakhs Ninety Seven Thousand and Twenty Four only) was deposited, which is in court deposit and the balance of the amount as per the settlement reached payable is Rs.16,02,976/- (Rupees Sixteen Lakhs Two Thousand Nine Hundred and Seventy Six only) which shall be paid by the Insurance Company within six weeks from the date of receipt of a copy of this award. As already stated, the total amount which comes to Rs.40,00,000/- (Rupees Forty Lakhs only) shall be appropriated by the claimants as indicated above.

7. 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/-

Royal Sundaram Allianace Insurance Co. Ltd.,
2nd Floor, Subramanya Building,
Opposite to Spencer Tower
No.1, Club House Road, Chennai.

Sd/-

Counsel for the Appellant in CMA No.
3805/2019 and second respondent in
CMA No.757 of 2020

Vs.

Sd/-

1. Alex Mary Selastin
(for herself and on behalf of 4th respondent
Minor Roosewelt Rosaria)

Sd/-

2. Tony Stewart

Sd/-
3.George Stewaugh

Sd/-
Counsel for Respondents 1 to 4 in
CMANo.3805/2019 and appellants in
CMA No.757 of 2020

8. The full Court fee paid shall be refunded to the appellants concerned 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.

9. This Lok Adalat Award is passed accordingly and both the Civil Miscellaneous Appeals are disposed of. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

sd/-
Member

Sd/-
Judge

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

1.The Principal Subordinate Judge, Motor Accident Claims Tribunal, Vridhachalam.

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)

CMA.Nos.3805 of 2019 and 757 of 2020
and
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SR(CO)
RMP(17/08/2020)