

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Monday, 10th 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 T.N.VALLINAYAGAM (Retd.)

and

Members

Mr.R.Paranjothi, District Judge (Retd.,)

CMA.No.3119 of 2018

Appeal against the Judgment and decree dated 10.09.2018 made
in MCOP. No.2057 of 2012 on the file of the Motor Accidents
Claims Tribunal (Special Sub Court No.1), Small Causes Court,
Chennai.

The Oriental Insurance Co. Ltd.,
Third Party Claims Office
No.134, Silingi Bldgs.,
Greens Road
Chennai - 600 006.

... Appellant/2nd Respondent

Vs.

1. M.Rajalakshmi
2. Saranya
3. M.Nithya
4. M.Yuvaraj
5. K.Naresh Kumar

.. Respondents 1 to 4/Claimants 1 to 4
.. 5th Respondent/1st Respondent

This case has been listed today and came up for settlement
before the Lok Adalat. Appellant represented by
Mrs.Umamaheswari, Deputy Manager, M/s.Oriental Insurance Company
Limited and respondents 1 to 4 assisted by Advocates
M/s.P.Mathialagan and G.Indra devi learned counsels are present.
Fifth respondent remained exparte.

The appeal in CMA.No.3119 of 2018 pending on the file of
High Court, Madras and preferred against the award passed in
MCOP. No.2057 of 2012 on the file of the Court of Motor
Accidents Claims Tribunal (Special Sub Court No.1), Small Causes
Court, 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

This is a case of Motor Accident causing death to the breadwinner of the respondents 1 to 4 herein. The Tribunal has awarded a sum of Rs.10,63,500/- (Rupees Ten Lakhs Sixty Three Thousand and Five Hundred only) as compensation along with interest at 7.5% per annum from the date of filing of the claim petition ie., 27.04.2012 till the realisation along with cost before the Tribunal.

2. After due deliberation and discussion, both the parties agreed for settlement of the claim involved in the Appeal at Rs.9,75,000/- (Rupees Nine Lakhs and Seventy Five Thousand only) in full quit against the award of the Tribunal. It is represented that the Appellant/Insurance Company has already deposited 50% of the amount awarded by the Tribunal with interest and cost, as per the order of the Hon'ble High Court dated 18.01.2019 made in CMP.No.23648 of 2018 and requests that 'pay and recovery' may be ordered as ordered by the Tribunal.

Sd/-

The Oriental Insurance Co. Ltd.,
Third Party Claims Office
No.134, Silingi Bldgs.,
Greens Road, Chennai - 600 006.

Sd/-
Representative of the Appellant/
Insurance Company

Sd/-

1. M.Rajalakshmi

Sd/-

2. Saranya

Sd/-

3. M.Nithya

Sd/-

4. M.Yuvaraj

Sd/-

Counsel for the Respondents 1 to 4

LOK ADALAT AWARD

2. In view of the settlement arrived at between both the parties, the Lok Adalat hereby declare and decree that the Appellant / Insurance company shall pay a sum of Rs.9,75,000/-

(Rupees Nine Lakhs and Seventy Five Thousand only) towards full quit of the claim against the amount awarded by the Tribunal. Out of the above compensation, the widow/first respondent/first claimant is entitled to Rs.3,75,000/- (Rupees Three Lakhs and Seventy Five Thousand only) and respondents 2 to 4/ children of the deceased are entitled to Rs.2,00,000/- (Rupees Two Lakhs only) each.

3. The Appellant/Insurance Company has already deposited 50% of the amount awarded by the Tribunal with interest and cost, as per the order of the Hon'ble High Court dated 18.01.2019 made in CMP.No.23648 of 2018. The Appellant/Insurance Company is directed to deposit the remaining compensation as awarded by this Lok Adalat, if any, within a period of six weeks from the date of receipt of copy of this award. The lower Court order regarding 'pay and recovery' remains good and has become final, as there is no appeal by the owner/fifth respondent herein.

4. On deposit of the entire compensation, the respondents 1 to 4 are permitted to withdraw their respective shares immediately without filing any formal petition.

5. 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.

6. 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.

7. Award is passed accordingly and the Civil Miscellaneous Appeal is disposed of. No order as to costs.

Sd/-
Judge

Sd/-

Member

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

Copy to:

1. The Special Sub Judge No.I Motor Accidents Claims Tribunal, (Special Sub Court No.1), Small Causes Court, Chennai.
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.(2 copies)
4. The Section Officer, Lok Adalat Section, High Court, Madras. (+ 2 copies)

CMA.No.3119 of 2018

VBA (CO)
GMY (20/03/2020)



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