



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 11th day of December, 2021

LOK ADALAT AWARD

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

Presided over by

The Honourable Mr.Justice M.Thanikachalam (Retd.)

and

Members:

Mr.S.Sambandham, District Judge (Retd.)

Mr.M.Nallathambi , Advocate

C.M.A.No2862 of 2016

(Appeal against the judgment and decree passed by the Motor Accidents Claims Tribunal, (IV Small Causes Court), Chennai in M.C.O.P.No.82 of 2011 dated 18.07.2014)

- 1.R.Saraswathi
- 2.R.Karthikeyan (Minor)
- 3.R.Prakash (minor)
- 4.R.Soundarya (minor)
- 5.Kanniamma (died)

... Appellants

/versus/

- 1.P.Gopalakrishnan
- 2.Bajaj Allianz General Insurance Co.Limited,
No.25/26, Prince Towers College Road,
Nungambakkam,
Chennai – 600 006.

.. Respondents



Both the parties are present. [Mr.K.Varadha](#) Kamaraj learned counsel for appellants and Mr.R.V.Sivaraj, learned counsel for the second respondent 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

This Appeal has been filed by the claimants against the award passed by the lower Court.

2. The Quantum of Compensation awarded by the Tribunal is **Rs.7,77,000/-** with interest at **7.5%** per annum from the date of petition till the date of realization.

3. As represented by the learned counsel for the appellants, the fifth appellant viz., Kanniamma, has expired and according to him, her legal heirs are already on record to the effect that joint memorandum of compromise has been filed.

4. The parties are present along with their respective counsel and they have stated that the matter has been settled in terms of the joint memorandum of compromise.

5. As per the joint memorandum of compromise, it is represented before us that the claimants are entitled to a sum of Rs.7,50,000/- in full quit over and above the award amount awarded by the tribunal viz., 7,77,000/-, which has already been deposited by the Insurance Company. The Insurance Company shall deposit the amount of Rs.7,50,000/- within three weeks from the date of receipt of a copy of this order.

6. On such deposit, the claimants are permitted to withdraw the entire amount without filing formal application. Award is passed accordingly. The joint memorandum of compromise shall form part of the order.

The Tribunal is directed to issue the cheques to the parties 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 petitions, if any, are closed.

1 R.Saraswathi



2.R.Karthikeyan (Minor)

3.R.Prakash (minor)

4.R.Soundarya (minor)

Counsel for the Appellants

Bajaj Allianz General Insurance
Co.Limited,
No.25/26, Prince Towers College Road,
Nungambakkam,
Chennai – 600 006.

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 plaintiff 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.

Judge

Member

Member

To: The parties/Advocate concerned



Copy to:

- 1.Motor Accidents Claims Tribunal, (IV Small Causes Court), 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.+2
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M.Thanikachalam, J (Retd.)

nsd

C.M.A.No2862 of 2016

11.12.2021