

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat – II organised by the High Court Legal Services committee
Monday, the 6th day of September 2021

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)

Member

Mr.M.Sambasivam, District Judge, Retd

C.M.A.No.3027 of 2014

(Appeal against the judgment and decree dated 11.02.2014 made
in M.C.O.P.No.2379 of 2009 on the file of the Motor Accidents Claims
Tribunal, Special Sub Judge-I, Chennai.

- 1.P.Rani
 - 2.P.Sangeetha (Minor)
 - 3.P.Soundaraya (Minor)
 - 4.P.Santhosh (Minor)
- Minors 2 to 4 are
Rep. By their Mother and
Next Friend Mrs.P.Rani

.. Appellants

Vs.

1. Karthik Shankar
2. Bajaj Allianz General Insurance Company Ltd.,
No.25/26, Prince Towers,
4th Floor, College Road,
Chennai – 6.

.. Respondents

This case came up for settlement before the Lok Adalat. Both parties are present. Mr.S.V.Singaravelan, learned counsel for the appellants and Mr.R.V.Sivaraj, learned counsel for the second respondent is 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

The 1st appellant/Claimant husband died in the road accident leaving the appellants/petitioners as their legal heirs. They have approached the Motor Accidents Claims Tribunal claiming a sum of Rs.23,00,000/- as compensation. The Trial Court awarded a sum of Rs.15,36,100/-. Aggrieved this amount is low, the Claimants preferred appeal for Rs.7,63,900/-.

2. While pending appeal, parties have settled the matter and the Insurance Company had aggrieved to grant enhanced amount of Rs.8,25,000/- in full quit (including interest), though value of the appeal is Rs.7,63,900/-.

3. Pursuant to the settlement reached, they have filed the joint memo signed by all the parties. It appears that the claimants 3 and 4

were minors at the time of filing the appeal and the counsel on record was represented that they attained majority and vakalat also filed on behalf of the claimants 3 and 4.

4. In pursuance of the joint memo and the settlement made, the Lower Court award is modified, enhanced the total award by Rs.8,25,000/- except the enhanced amount other part of the award amount is already paid and there is no dispute.

5. The Insurance company is directed to pay the enhanced amount of Rs.8,25,000/- in full quit within a period of 3 weeks from the date of receipt of this order and the parties are permitted to withdraw the enhanced award amount according to their shares. The award is modified accordingly.

6. The Tribunal is directed to transfer the amount through RTGS/NEFT 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. The connected miscellaneous petition is closed if any.

1.P.Rani

2.P.Sangeetha (Minor)

3.P.Soundaraya (Minor)

4.P.Santhosh (Minor)

Minors 2 to 4 are
Rep. By their Mother and
Next Friend Mrs.P.Rani
Appellants

Counsel for the

Bajaj Allianz General
Insurance Company Ltd.,
No.25/26, Prince Towers,
4th Floor, College Road,
Chennai – 6.

Counsel for the Respondent 2

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 2 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Special Sub Judge-I, 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 + copies

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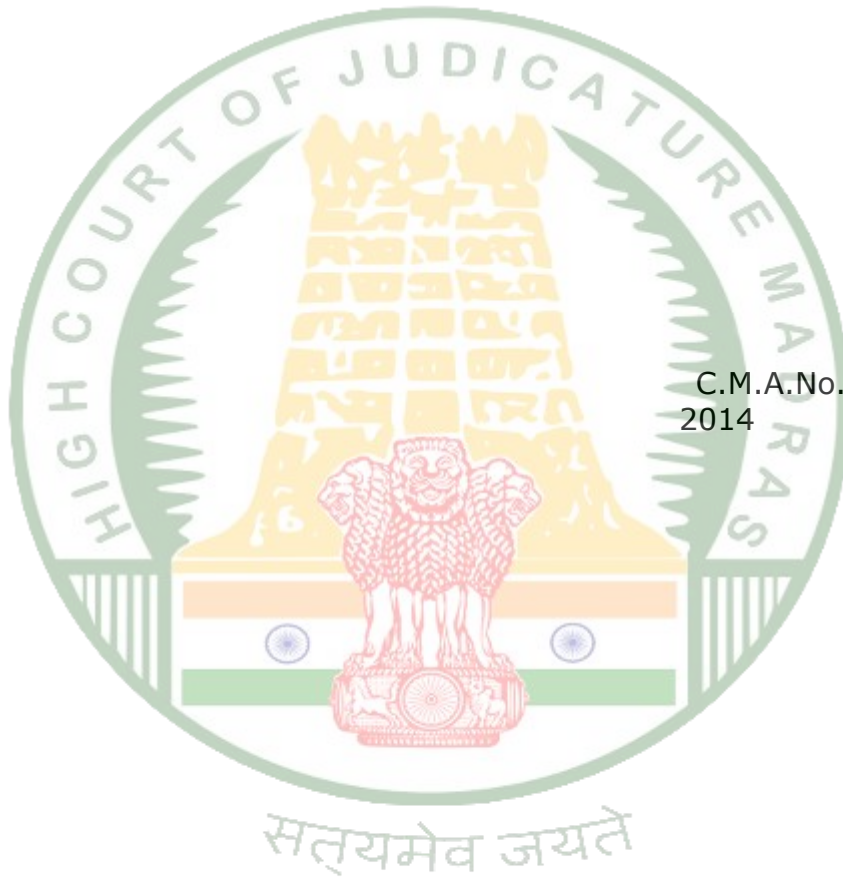


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J.(Retd)

M.Thanikachalam,

drl



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2014

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