



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.No.4439 of 2019

(Appeal against the judgment and decree passed by the Motor
Accidents Claims Tribunal, Small Causes Court, Special Sub Judge No.1
in M.C.O.P.No.4094 of 2015 dated 05.01.2019).

1.R.Subash

2.R.Yamuna

3.R.Krishna @ Krishnakumar (minor)
(Minor rep. by his brother & NG R.Subash)

4.Kasivelu (died)

... Appellants

/versus/

1.Sibi Rajesh

2.Bajaj Allianz General Ins. Co. Ltd.,
"Isana Kattima Building", 5th Floor,
New No.497 & 498, Poonamallee High Road,
Arumbakkam,
Chennai 600 106.

... Respondents



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Both the parties are present. Mr.K.Varadha Kamaraj, learned counsel for appellants and Mr.S.Mohamed Bilal Ali, learned counsel for the 2nd 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

The above Civil Miscellaneous Appeal is filed, challenging the award passed by the Small Causes Court, Special Sub Judge No.1 in M.C.O.P.No.4094 of 2015 dated 05.01.2019.

The Claimants/Appellants having filed a Claim Petition for a sum of Rs.1,00,00,000/- for the death of 1st claimant's father. After trial, the Tribunal awarded only a sum of Rs.16,32,150/- with usual interest, which gave grievance to the claimants, resulting, this Appeal for enhancement of the claim, restricting to Rs.20,00,000/-.

When the matter is pending, parties have sat together and settled the matter and the settlement resulted to a compromise memo to a sum of Rs.15,00,000/- without interest, in addition to the award already granted by the Tribunal. Both the parties are present viz., two major claimants and minor represented by the 1st claimant and an authorised person for the Insurance company/2nd Respondent.



Joint compromise memo dated 11.12.2021, duly signed by both the parties and their respective counsel is produced before us and the same is recorded.

On the basis of the joint compromise memo and as represented before us, the award amount is modified directing the Insurance Company/2nd Respondent to pay a further sum of Rs.15,00,000/- (Rupees fifteen lakhs only) in addition to the amount already awarded by the Tribunal. The parties are directed to share the award amount equally and the amount payable to the minor claimant (3rd Appellant) shall be deposited in a nationalised bank till he attains majority as ordered by the Tribunal. Consequently, the connected MPs, if any, is also closed.

1.R.Subash

2.R.Yamuna

3.R.Krishna @ Krishnakumar (minor)
(Minor rep. by his
brother & NG R.Subash)

Counsel for the appellants

Bajaj Allianz General Ins. Co. Ltd.,

Counsel for the 2nd respondent



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.

Judge

Member

Member

To: The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal, Small Causes Court, Special Sub Judge No.1.
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



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M.Thanikachalam, J (Retd.)

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C.M.A.No.4439 of 2019

Dated: 11.12.2021