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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat – I organised by the High Court Legal Services committee
Wednesday, the 28th day of September, 2022

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE K.GNANAPRAKASAM(Retd.)

and

Member

Mrs.S.Kanmani Selvam, District Judge, Retd.

C.M.A.No.440 of 2022

Appeal against the judgment and decree dated 29.10.2021 made
in M.C.O.P.No.3463 of 2018 on the file of the Motor Accident Claims
Tribunal/1st Additional District & Sessions Judge, Cuddalore.

1.S.Rahamath Nisha

2.Minor S.Nasrin

(Minor Represented by mother
natural guardian S.Rahamath Nisha/
1st Appellant herein)

.. Appellant

Vs.

1.P.Manikandan

(1st respondent remained ex-parte
before the Tribunal)

2.The Divisional Manager,
United India Insurance Company Limited,
Third Party Service Hub,
Plot No.35,36,37 AR Plaza,
45 feet road, Balaji Nagar Extn,
Saram, Puducherry – 605 011.

.. Respondents

This case came up for settlement before the Lok Adalat. M/s.

Ramya V.Rao, learned counsel for the Appellants, Mr.R.V.Sivavaraj for



Mr.J.Michael Visuvasam, learned counsel for the Respondent and Mr.R.Ramesh, Manager, United India Insurance Company Limited, Regional Office, Puducherry 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 Tribunal has awarded a sum of Rs.27,55,612/- with interest at 7.5% per annum from the date of filing of the petition till the date of deposit.

2. Not satisfied with the award of the Tribunal, the claimants / appellants has preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) over and above the award amount (Rs.27,55,612/-) passed by the Tribunal in full quit as additional compensation.

3. The second respondent / Insurance Company is directed to deposit the entire Tribunal award amount with interest and cost along with the settled amount of Rs.2,50,000/- within a period of six weeks from the date of receipt of a copy of this order.



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4. On such deposit being made, the 1st claimant / 1stst appellant is permitted to withdraw her share as apportioned before the Tribunal without filing any formal petition. The share of minor 2nd Claimant / 2nd appellant shall be invested in anyone of the nationalised Banks in re-investment scheme till she attain majority. On attaining the age of majority, the minor/second appellant is permitted to withdraw her share along with accrued interest on production of age proof certificate before the Tribunal. The Award is passed accordingly.

5. 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.

6. The Civil Miscellaneous Appeal is disposed of accordingly.

1.S.Rahamath Nisha

2.Minor S.Nasrin
(Minor Represented by mother
natural guardian S.Rahamath Nisha/
1st Appellant herein)

Counsel for the Appellants



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The Divisional Manager,
United India Insurance Company Limited,
Third Party Service Hub,
Plot No.35,36,37 AR Plaza,
45 feet road, Balaji Nagar Extn,
Saram, Puducherry – 605 011.

Counsel for the 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 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,
First Additional District & Sessions Judge, Cuddalore.
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
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K.GNANAPRAKASAM, J.(Retd)

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C.M.A.No.440 of 2022

28.09.2022