



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat – I organised by the High Court Legal Services
committee

Thursday, the 10th day of November, 2022

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE S.MARIMUTHU(Retd.)

and

Member

Mr.K.Ramaswamy, District Judge, Retd.

C.M.A.No.1748 of 2020
and CMP.No.10295 of 2022

Appeal against the judgment and decree dated 24.09.2019
made in M.A.C.T O.P.No.4135 of 2017 on the file of the Special Sub
Court No.I, Motor Accidents Claims Tribunal, Court of Small Causes,
Chennai.

1.P.Palaniammal
2.P.Renukadevi
3.P.Mahesh kumar
(Minors 2 and 3 represented
by their mother and next friend
Mrs.P.Palaniammal)
4.A.Nallu Konar
(4th Appellant died - Memo filed to that effect
before the Lok Adalat on 10.11.2022)
5.N.Chinnammal .. Appellants
Vs.

1.S.Senthilnathan
(Respondent 1 was set ex-parte
in the Trial Court)
2.New India Assurance Company Limited,
Motor Third party Claims Hub,
Bombay Mutual Buildings, 6th floor,
No.232, NSC Bose Road,



Chennai – 600 001.

.. Respondents

This case came up for settlement before the Lok Adalat. Mr.P.T.Saleem Fathima, learned counsel for the Appellants, Mr.C.Sangamithirai, learned counsel for the second Respondent and Mrs.Gomathi Sharma, Manager for New India Assurance Company Limited 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.18,00,000/- with interest at 7.5% per annum from the date of filing of the petition till the date of deposit. It is represented by the Insurance Company that they had already deposited the entire award amount with interest in the Tribunal.

2. Not satisfied with the award of the Tribunal, the claimants / appellants have preferred the present appeal for enhancement. Now, both the parties have agreed to a sum of Rs.6,93,000/- (Rupees Six Lakhs Ninety Three Thousand only) over and above the award amount (Rs.18,00,000/-) passed by the Tribunal in full quit as additional compensation.



3. The second respondent / Insurance Company is directed to deposit the enhanced award amount of Rs.6,93,000/- in full quit, within a period of four weeks from the date of receipt of a copy of this order.

4. On such deposit, the fourth claimant, father of the deceased received the apportionment amount of Rs.1 lakh before the Tribunal. Pending this appeal, the fourth claimant died for which death certificate is filed and recorded. As per the averments in the claim petition and the award passed by the Tribunal, the other claimants alone are legal heirs. Therefore, separate legal heir certificate is not necessary.

5. The first claimant is entitled to withdraw a sum of Rs.2,00,000/- and the fifth claimant is entitled to withdraw a sum of Rs.93,000/-. The shares of minor claimants 2 and 3 of a sum of Rs.2,00,000/- each shall be invested in anyone of the nationalised Banks in re-investment scheme till they attain majority. On attaining the age of majority, the minors/claimants 2 and 3 are permitted to withdraw their respective shares along with accrued interest on production of age proof certificate before the Tribunal. Similarly, claimants 1 and 5 can withdraw their respective shares



without filing any formal petition. Award is modified accordingly.

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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.

7. The Civil Miscellaneous Appeal is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

1.P.Palaniammal

2.P.Renukadevi

3.P.Mahesh kumar
(Minors 2 and 3 represented
by their mother and next friend
Mrs.P.Palaniammal)

4.A.Nallu Konar (died)

5.N.Chinnammal

Counsel for the Appellants



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New India Assurance Company Limited,
Motor Third party Claims Hub,
Bombay Mutual Buildings, 6th floor,
No.232, NSC Bose Road,
Chennai – 600 001.

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 Special Sub Judge No.I,
Motor Accidents Claims Tribunal,
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
+ 2copies



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S.MARIMUTHU,J.(Retd)

drl

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10.11.2022