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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat-I organised by the High Court Legal Services
Committee

Monday, the 31st day of October, 2022

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE B. GOKULDAS (Retd.)

and

Member

Mr.N.Balasubramanian, District Judge (Retd)

C.M.A.1438 of 2022

This Civil Miscellaneous Appeal is filed against the judgment and decree in M.C.O.P. No.5829 of 2019 dated 05.01.2022 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

1.G.Balaji

2.B.Samyuktha

3.B.Reya

(Minor 3rd respondent represented by
Father and Natural Guardian
G.Balaji)

.. Appellants

Vs.

1.Gokulnath

2.M/s.The Oriental Insurance Company Limited,
Third Party Claims Hub,
Oriental House, II Floor,
New No.216, Prakasam Salai,
Broadway, Chennai – 600 108.

(The first respondent remained exparte
before the Tribunal)

.. Respondents

This case came up for settlement before the Lok Adalat. Both



parties are present. The learned counsel for the appellants Mr.R.Mohan Babu, the learned counsel for the second respondent Mr.N.Sampath and Mr.J.Srinivasan, Assistant Manager for The Oriental Insurance Company Limited. 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.15,50,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. It is represented by the second respondent/Insurance Company that they have already deposited the entire award amount along with interest and cost before the Tribunal.

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 settle the case for a sum of Rs.4,50,000 /- (Rupees Four Lakhs Fifty Thousand only) in full quit as compensation.

3. The second respondent / Insurance Company is directed to deposit the above said award amount within a period of four weeks from the date of receipt of a copy of this order.



4. On such deposit, the first claimants / first appellant is entitled to withdraw a sum of Rs.1,50,000/- and the second claimant / second appellant is entitled to withdraw a sum of Rs.1,50,000/-, if not, already withdrawn, before the Tribunal without filing any formal petition. The share of minor third respondent of a sum of Rs. 1,50,000/- shall be invested in anyone of the nationalised Banks in re-investment scheme till she attains majority. On attaining the age of majority, the third claimant / third appellant is permitted to withdraw her shares along with accrued interest on production of age proof certificate before the Tribunal. Award is passed accordingly.

5. The other aspects awarded by the Tribunal is ordered accordingly as to pay by Respondent - R2 and be recovered from R1, since the driver was a minor without driving license.

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, if any.



1.G.Balaji

2.B.Samyuktha

3.B.Reya
(Minor 3rd respondent represented by
Father and Natural Guardian
G.Balaji)

Counsel for the Appellants

M/s.The Oriental Insurance Company Limited,
Third Party Claims Hub,
Oriental House, II Floor,
New No.216, Prakasam Salai,
Broadway, Chennai – 600 108.
respondent

Counsel for the second

This Lok Adalat award is passed in terms of the above settlement.

The 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.



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Judge

Member

To

The parties/Advocate concerned

Copy to:

- 1.The Motor Accident Claims Tribunal /
Chief Judge, 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 copies

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B. GOKULDAS, J. (Retd.)

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31.10.2022