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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 10th day of June 2023

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mrs. JUSTICE K.GOVINDARAJAN THILAKAVADI

and

Members

Mr.N.Balasubramanian
District Judge (Retd.)

Mrs.K.Kavitha
Advocate

C.M.A.No.1237 of 2020

(Appeal against the judgment and decree passed on 21.01.2017 made in M.C.O.P.No.320 of 2017 on the file of the Motor Accidents Claims Tribunal (Special District Judge,) Krishnagiri.

The Branch Manager.

M/s. The National Insurance,
Company LTd.,
Anuradha Complex, III floor,
Opp. Raja Theatre,
Bangalore road,
Krishnagiri-635 001.

.. Appellant

Vs.

1. Nalini,
2.Minor. N.Ramprasath
3.Minor. No.Rithish,
4.Kaliyappan
5.Rathinam
6.K.Kannagi
7.S.Sheik Badusha
(7th respondent set *ex parte* before the Tribunal

.. Respondents



the parties are present. The learned counsel for the appellant Mr.J.Michael Visuvasam and the learned counsel for the respondents 1 to 6, Mr. Mr.S.P.Yuvaraj 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

Both the parties and their respective counsel are present.

2. The Tribunal has awarded a sum of Rs.59,88,712/-(Rupees Fifty Nine Lakhs, Eighty eight thousand, seven hundred and twelve only) with interest at 7.5% p.a. from the date of petition to till the date of deposit as compensation.

3. Aggrieved by the award, the appellant/Insurance Company has preferred the present appeal, challenging the quantum of compensation.

4.The learned counsel for the claimants reported that the 5th claimant died and death Certificate is furnished before this Court. It is also informed that claimants 1 to 4 and 6 have no objection for the 4th claimant who is the husband of the 5th claimant to receive the amount apportioned to the 5th claimant.

5. Now the claimants have agreed to receive a sum of Rs.57,00,000/-(Rupees Fifty Seven lakhs only) along with interest at 7.5 % from the date of petition to till the date of deposit with proportionate



cost, which is also acceptable by the appellant/Insurance Company. Hence, the appellant/Insurance Company is directed to deposit the agreed amount, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimants are entitled to withdraw the award amount as per the apportionment mentioned below:

- (i) 1st Claimant : Rs.31,00,000/-
- (ii) 2nd Claimant : Rs.9,00,000/-
- (iii) 3rd Claimant : Rs.9,00,000/-
- (iv) 4th Claimant : Rs.6,50,000/-
- (iv) 5th Claimant (Died): Nil
- (v) 6th Claimant : Rs.1,50,000/-

Total : Rs.57,00,000/-

The claimants are permitted to withdraw the Award amount as per the above apportionment after deducting the amount already withdrawn by the claimants, if any. Award is passed accordingly.

6. The Tribunal is directed to issue the award amount through NEFT/RTGS to the party 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. consequently, connected miscellaneous petition is closed.

The Branch Manager.

M/s. The National Insurance,

Company LTd.,

Anuradha Complex, III floor,

Opp. Raja Theatre,

Bangalore road,



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Krishnagiri-635 001.

Counsel for the appellant

1. Nalini,
- 2.Minor. N.Ramprasath
- 3.Minor. No.Rithish,
- 4.Kaliyappan
- 5.Rathinam (Died)
- 6.K.Kannagi

Counsel for the respondents

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

The Court fee paid shall be refunded to the parties in the manner provided under 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



The parties/Advocate concerned

Copy to:

1. The Motor Accidents Claims Tribunal (Special District Judge,) Krishnagiri.
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.GOVINDARAJAN THILAKAVADI, J.

Vsn

C.M.A.No.1237 of 2020

10.06.2023