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

Saturday, the 9th December 2023

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE MALAISUBRAMANIAN (RETD)
and

Members

Mr.J.Justin David, District Judge (Retd.)
Mr.M.Nallathambi, Advocate

C.M.A.No. 3181 of 2021

(Appeal against the judgment and decree passed in M.C.O.P.No.68
of 2018 dated 18.12.2020 on the file of the Special District Court to Deal
the Motor Accidents Claims Tribunal No.1, Tiruvallur).

1.B.Rajalakshmi
2.Minor D.Kalki
3.Minor D.Vishali
4.S.Kamala
...Appellants

(Minor petitioners 2 & 3 are
Rep.by their mother & natural
guardian 1st petitioner
D.Yogalakshmi (a) Rajalakshmi)

Vs.



1.M/s.Janakiraman Tempo Services
Represented by its Proprietor, having
Office at No.28/13, Mohammed Ali Street
2nd, Lane, Thiruvallur
Town, Thiruvallur Taluk and District-602 001.

2.The Manager
Reliance General Insurance Company Limited
Motor T.P.Claims, having Office at
Reliance Buildings, Opposite to Sasthiri Bhavan
Haddows Road, Nungambakkam
Chennai 600 034.
...Respondents

This case is taken up for settlement before the National Lok Adalat. Mr.Amar Dineshbhai Pandiya, learned counsel for the Appellants and Mrs.C.Bhuvanasundari, learned counsel for the second respondent are present before this Court.

TERMS OF SETTLEMENT

The Tribunal has awarded a sum of Rs.14,03,000/- along with interest at the rate of 7.5% per annum. Aggrieved by the said award amount, the Appellants/Claimants preferred this Appeal for enhancement.



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2. After passing the award, the second respondent/Insurance Company had already deposited the entire award amount.

3. During the pendency of the Appeal, the second respondent/Insurance Company arrived at a settlement, thereby, the Claimants/appellants have agreed to receive enhanced sum of Rs.4,00,000/- in full quit over and above awarded by the Tribunal.

4. It was agreed that the appellants have consented to settle the enhanced amount of Rs.4,00,000/- in full quit. It is further stated that the appellants to share the enhanced amount equally (Rs.1,00,000/- each).

5. It is found that the second and third minor appellants, hence their share has to be deposited in any one of Nationalized Bank in fixed deposit till attaining their majority.

6. The second respondent/Insurance Company is directed to deposit the enhanced sum within a period of eight weeks from today.



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7. The Appellants 1 & 4 are entitled to withdraw the entire enhanced amount of Rs.1,00,000/- each, the appellants 2 & 3 are entitled to withdraw their respective share on attaining their majority along with the accrued interest. The second respondent/ Insurance Company is entitled to recover the same from the owner of the vehicle. Consequently, connected miscellaneous petition, if any, is closed.

1.B.Rajalakshmi

2.Minor D.Kalki

3.Minor D.Vishali

(Minor petitioners 2 & 3 are
Rep.by their mother & natural
guardian 1st petitioner
D.Yogalakshmi (a) Rajalakshmi)

4.S.Kamala

... Counsel for Appellants

Vs.

The Manager
Reliance General Insurance Company Limited
Motor T.P.Claims, having Office at
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Chennai 600 034.

...Counsel for second respondent



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

The full Court fees paid shall be refunded to the parties in the manner provided under 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 Special District Court to Deal the Motor Accidents Claims Tribunal No.1, Tiruvallur.
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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MALAISUBRAMANIAN (RETD), J.
dna

C.M.A.No.3181 of 2021

09.12.2023