



C.M.A.No.3795 of 2019

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 10th day of June, 2023

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mrs.JUSTICE R.KALAIMATHI
and

Members

Mr.M.Sambasivam, District Judge (Retd.)

Mr.K.Thirukkumaran, Advocate

CMA No.3795 of 2019

Appeal against the Judgment and decree dated 03.07.2019 passed in M.C.O.P.No.6106 of 2015 on the file of the Motor Accidents Claims Tribunal Judge, Chief Judge, Small Causes Court, Chennai.

1.Logeswari

2.Banumathi

3.Palani

... Appellants

Vs.

1.R.Suresh

2.United India Insurance Co. Ltd.,
Silingi Building, 4th Floor,
No.134, Greaves Road,
Chennai - 600 006.

3.C.Jayaraman

... Respondents

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.K.Varadhakamaraj, learned counsel for appellants and Mr.R.Rajesh, learned counsel for the second respondent is 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.12,50,200/- with interest at 7.5% per annum from the date of petition till the date of decree and costs as compensation. Aggrieved by the award of the Tribunal, the appellants had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to enhance the award to a sum of Rs.12,32,000/- (Rupees Twelve Lakhs and Thirty Two Thousand only) in full quit (without interest) as compensation.

3. According to learned counsel for the appellants, the 2nd respondent- Insurance Company has already deposited the amount awarded by the Tribunal at Rs.12,50,200/- and the appellants have withdrawn the same.

4. Hence, the second respondent / Insurance Company is directed to deposit the above said accepted award amount of Rs.12,32,000/- (Rupees Twelve Lakhs and Thirty Two Thousand only) as over and above the award amount awarded by the Tribunal as full quit (without interest) as compensation, after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this award. If the payment has not been made within the time stipulated, the 2nd respondent is directed to pay the amount along with the interest at the rate of 7.5% p.a., from today till the date of realisation.

5. Out of the award amount of Rs.12,32,000/-, the appellants are entitled to the following amounts as compensation as apportioned by this Court.

- | | |
|--|-----------------|
| (i) 1 st appellant viz., Logeswari | - Rs.5,00,000/- |
| (ii) 2 nd appellant viz., Banumathi | - Rs.3,66,000/- |
| (iii) 3 rd appellant viz., Palani | - Rs.3,66,000/- |



C.M.A.No.3795 of 2019

6. On such deposit, the Appellants/Claimants are permitted to withdraw their respective enhanced share amount.

WEB COPY

7. 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, with out insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly. The connected miscellaneous petition is closed, if any.

1.Logeswari

2.Banumathi

3.Palani

Counsel for the Appellants

1.R.Suresh

2.United India Insurance Co. Ltd.,
Silingi Building, 4th Floor,
No.134, Greams Road,
Chennai - 600 006.

3.C.Jayaraman

Counsel for the respondents

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 21 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

Member



WEB COPY



C.M.A.No.3795 of 2019

R.KALAIMATHI.J.,

krk

To:
The parties/Advocate concerned

Copy to:

- 1.The Chief Judge, Small Causes Court,
(Motor Accidents Claims Tribunal), 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

krk

CMA No.3795 of 2019

10.06.2023