

**HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI**

WEB COPY

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 8th day of July, 2023

LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE J.SATHYA NARAYANA PRASAD
and

Members

Mr.N.Balasubramanian, District Judge (Retd)
Mr.P.G.Kumaraguru**C.M.A.No.962 of 2017**

(Appeal against the award made in MCOP No.1065 of 2009 dated 16.06.2014 on the file of the Motor Vehicles Accident Claims Tribunal, I Additional District Judge, Salem)

National Insurance Company Limited,
Divisional Office -I,
LRN Complex
Saradha College Road,
Salem.

... Appellant

Vs.

- 1.Maragatham
- 2.Senthil Kumar
- 3.Sivakumar
- 4.Pappathi (died)
- 5.S.Balakrishnan (R5 set exparte before the Tribunal)
- 6.Gopalasamy
- 7.Dhanabakkiam

(4th respondent died, respondents 6 and 7 brought on record as LRS of the deceased Pappathi vide order dated 26.04.2023 made in C.M.P.No.3461 of 2023 in CMA.No.962/2017 by AANJ)

.. Respondents



At request of the parties, the matter is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.K.Padmanabhan, learned counsel for the appellant and Mr.K.Kuppusamy, learned counsel for the respondents 1 to 3, 6 and 7 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 compensation of Rs.17,74,829/- [Rupees Seventeen Lakhs Seventy Four Thousand Eight Hundred and Twenty Nine only) along with interest at 7.5% per annum from the date of petition till realisation. It is reported that the compensation awarded by the Tribunal had already been deposited by the appellant/ Insurance company along with proportionate interest.

2. Aggrieved over the award passed by the tribunal, the appellant/ Insurance Company has come up with this appeal.

3. Now, the parties have arrived at a settlement and they have filed a Joint Memo of Compromise dated 08.07.2023 to that effect. It is reported that the appellant /Insurance company has offered to settle a sum of Rs.16,75,000/- (Rupees Sixteen Lakhs and Seventy Five Thousand only) with 7.5% interest p.a from the date of petition till the date of deposit and lower court cost and the same has also been agreed by the respondents 1 to 3, 6 and 7 / claimants, without any further claims.

4. In view of the above, the appellant / Insurance company has already deposited the amount awarded by the tribunal and hence, the appellant /Insurance Company is permitted to withdraw the excess amount along with accrued interest.



5.The 1st respondent viz. Maragatham, the wife of the deceased is entitled for a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only). The other respondents / claimants viz. Senthilkumar, Sivakumar, Gopalsamy and Dhanabackiyam are entitled for the balance sum of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only), which comes to Rs.43,750/- each. The respondents / claimants viz. Senthilkumar, Sivakumar, Gopalsamy and Dhanabackiyam have agreed to pay their allotted share of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) to the 1st respondent, viz. Maragatham, the wife of the deceased. The first respondent viz. Maragatham, the wife of the deceased, is permitted to withdraw the entire amount of Rs.16,75,000/- (Rupees Sixteen Lakhs and Seventy Five Thousand only) along with the accrued interest and lower court cost. Hence, the Civil Miscellaneous Appeal is disposed of accordingly.

National Insurance Company Limited,
Divisional Office -I,
LRN Complex
Saradha College Road,
Salem.
Appellant

Counsel for

- 1.Maragatham
- 2.Senthil Kumar
- 3.Sivakumar
- 4.Gopalasamy
- 5.Dhanabakkiam

Counsel for the respondents

This Lok Adalat award has 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.

WEB COPY

	Judge	
Member		Member

To: The parties/Advocate concerned

Copy to:

- 1.Motor Vehicles Accident Claims Tribunal, I Additional District Judge, Salem.
- 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

vkx/kas



WEB COPY



5

J.SATHYA NARAYANA PRASAD, J

vkp/kas

C.M.A.No.962 of 2017

08.07.2023