



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 11th day of March, 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. Sai Srujan TAYI, Advocate

C.M.A.No.817 of 2020

Appeal against the Judgment and decree in M.C.O.P.No.781 of 2018 dated 21.06.2019 on the file of the Motor Accident Claims Tribunal (II Additional District Court), Puducherry.

The Branch Manager,
The New India Assurance Co. Ltd.,
Puducherry.

...Appellant

Vs.

1. Gandhimathi
2. Harish (Minor)
3. Keerthana (Minor)
4. Sinnakuzhandai
5. Dhanaraju

(2nd and 3rd Respondents are Minors
rep. by their Mother/next friend
the 1st respondent herein)

6. Gunasekaran @ Gnanasekaran

...Respondents

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr. S. Dhakshnamoorthy, learned counsel for appellant/Insurance Company and Mr. V. Iyyappan, learned counsel for the respondents 1 to 4 / Claimants 1 to 4 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 sum of Rs.29,21,000/- with interest at 7.5% per annum from the date of numbering of petition till the date of realisation as compensation. Aggrieved by the award of the Tribunal, the appellant had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to add the award to a sum of Rs.26,49,200/- (Rupees Twenty Six Lakhs Forty Nine Thousand Two Hundred only) with interest at the rate of 7.5% from the date of petition till the date of deposit.

3. The Appellant / Insurance Company is directed to deposit the above said accepted award amount of Rs.26,49,200/- (Rupees Twenty Six Lakhs Forty Nine Thousand Two Hundred only) with interest at the rate of 7.5% from the date of petition till the date of deposit, 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.

4. On such deposit, the 1st respondent/1st claimant is permitted to withdraw Rs.11,24,200/- along with proportionate interest and 2nd and 3rd respondents / 2nd and 3rd claimants are entitled to each Rs.6,50,000/- along with proportionate interest and the 4th respondent / 4th claimant is permitted to withdrawn Rs.2,25,000/- with proportionate interest the modified amount, without filing any formal petition. The 5th respondent/5th claimant died and the death certificate is produced before this Forum. The share of the 2nd and 3rd respondents/claimants are deposited in any one of the nationalised bank



in a fixed deposit scheme till they are attaining majority.

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5. 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.

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.

The Branch Manager,
The New India Assurance Co. Ltd.,
Puducherry.

Counsel for the Appellant

1.Gandhimathi

2.Harish (Minor)

3.Keerthana (Minor)

4.Sinnakuzhandai

Counsel for the Respondents

5.Dhanaraju (Died)



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R.KALAIMATHI,J.,

ssn

Judge

Member

Member

To:
The parties/Advocate concerned
Copy to:

- 1.The Motor Accident Claims Tribunal, (II Additional District Court), Puducherry.
- 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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11.03.2023