



W.P.(MD).No.12467 of 2021

HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI

Madurai Bench of Madras High Court, Madurai - 625023

WEB COPY

Saturday the 9th day of December 2023
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided Over by
The Honourable Mr Justice AR.RAMALINGAM (Retd.)

and

Members
Mr.S.Udayan, District Judge (Retired) and Mr.R.Venkatesan, Advocate

CMA(MD) No.1637 of 2013

(Appeal against the judgment and decree passed on 25/01/2012 in MCOP.No.157/2008 on the file of Motor Accident Claims Tribunal, DISTRICT JUDGE, NAGERCOIL)

1.MURUGESAN,(Died)
S/O SUBRAMONIAN,

2.RATHINAM,
W/O.MURUGESAN

3.KAVITHA,
W/O.ANILKUMAR

4.M.R.SANDHIYA,
D/O.MURUGESAN

...Appellant/s

Versus

1.MURUGESH
S/O MANOHARAN

2.C.NALLATHAMBI
S/O CHINNATHAMBI

3.THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
ANGUVILAS BUILDING,
NORTH CAR STREET, NEAR NAGARAJA COIL,
NAGERCOIL, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

...Respondent/s



W.P.(MD).No.12467 of 2021

This case came up for settlement before the Lok Adalat. Both the parties present. The counsel for the appellant/s M/s.Elis Chitra Devi and the counsel for the third respondent Mr.J.S.Murali are present. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.

AWARD

It is reported that the first appellant, Murugesan, died on 13.11.2015 and the appellants 2 to 4 are the only legal heirs of the deceased Murugesan.

The learned counsel appearing for the appellants filed a Memo stating that the appellants 2 to 4 are the only legal heirs of the deceased Murugesan and there is no other legal heir to the first appellant. A copy of the Death Certificate of the deceased Murugesan and the copy of the Legal Heirship Certificate issued by the Tahsildar, Kalkulam, have been produced. Since the first appellant died and his legal heirs were already on record, the death of Murugesan is recorded. Registry is directed to carry out the necessary amendment in the causet title.

After due deliberations, both the parties have agreed for a sum of Rs. 3,10,000/- (Rupees Three Lakhs and Ten Thousand only) as enhanced compensation. The third respondent/Insurance Company is directed to deposit the enhanced compensation along with interest at the rate of 7.5% per annum within a period of two months positively from the date of receipt of a copy of this award.

On such deposit being made, the appellants are at liberty to withdraw their amount by filing formal application before the Tribunal. The Insurance Company is at liberty to recover the amount from the owner of the vehicle.

The award shall be drafted as soon as all the parties put their signature in the Memo of Compromise.

1.RATHINAM

2.KAVITHA

3.M.R.SANDHIYA

Counsel for the Appellant/s



W.P.(MD).No.12467 of 2021

1.MURUGESH

WEB COPY

2.C.NALLATHAMBI

**3.THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
ANGUVILAS BUILDING, NORTH CAR STREET, NEAR NAGARAJA COIL,
NAGERCOIL, AGASTEESWARAM TALUK, K.K. DIST.**

Counsel for the Respondent/s

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 Tamilnadu 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 Original of the award shall be place in the court record and copy of the award, kept with High Court Legal Services Committee and one copy each is furnished to both parties free of cost.

In agreement of the above, both parties and their counsel have affixed their signatures/ thumb impressions in presence of the Lok Adalat Bench admitting the terms and today conditions and accordingly, the award is passed.

JUDGE

MEMBER

MEMBER



W.P.(MD).No.12467 of 2021

To: The Parties/Advocate concerned

Copy To

1. Motor Accident Claims Tribunal, DISTRICT JUDGE, NAGERCOIL
2. The Officer-in-Charge, High Court Legal Services Committee, Madurai.
3. The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.

Typed By

S.Sobana

PA To The Hon'ble Judges