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HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 14th December 2024

NATIONAL LOK ADALAT AWARD

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

Presided over by

The Hon'ble Mr.JUSTICE B. GOKULDAS (Retd.)

AND

Members

Dr.T.Sankaranarayana Pillai, District Judge (Retd.)

Mr.S.Gunaseelan, Advocate

C.M.A.No.382 of 2023

(Appeal against the judgment and decree passed on 18.09.2019 made in M.C.O.P.No.363 of 2015 on the file of the Motor Accident Claims Tribunal, III Additional District and Sessions Court, Gobichettipalayam, Erode District)

Sriram General Insurance Company Ltd.,
10003, E8, RIICO Industrial Area,
Sitapura, Jaipur,
Rajasthan – 302 022.

... Appellant/ 3rd Respondent

Vs

1. Poomathi
2. S.P. Vivekabharathi
3. Minor S.P. Aravindh
(Rep. by Mother Poomathi)
4. T.N. Gangadevi @ Ganga
5. M.R. Dhanapalan
6. K. Pavithran

... Respondents 1 to 4/ petitioners

... Respondents 5 & 6/
Respondents 1 & 2

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.K.Poomalai, learned counsel for the Appellant and Mr.J.Ranjith Kumar, learned counsel for the respondents 1 to 4/ claimants 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.39,11,000/-, with interest at 7.5% per annum, from the date of petition till the date of realisation.



company had preferred the present appeal. It is stated that the appellant / insurance company had already deposited 60% of the award amount with interest i.e., Rs.35,53,548/- to the credit of M.C.O.P.No.363 of 2015 on the file of the Motor Accident Claims Tribunal, III Additional District and Sessions Court, Gobichettipalayam, Erode District.

2. After due deliberation and consultation, both the parties have agreed to settle the award to a sum of Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand Only) over and above the amount already deposited by the appellant/ insurance company, as full quit compensation.

3. Hence, the appellant/ insurance company is directed to deposit the award amount of Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand Only), within a period of one month from the date of receipt of a copy of this order, to the credit of M.C.O.P.No.363 of 2015 on the file of the Motor Accident Claims Tribunal, III Additional District and Sessions Court, Gobichettipalayam, Erode District.

4. In view of the above settlement, a joint memo of compromise is also filed by the parties, which forms part and parcel of this order. It is also stated in the said joint memo of compromise, that the 3rd respondent/ S.P. Aravindh, attained the age of majority and the same is also recorded. The respondents 1 to 4/ claimants are entitled to withdraw the deposited amount, made by the appellant/ insurance company on filing proper applications before the Tribunal, as per the apportionment made below.

<i>Respondent</i>	<i>Name</i>	<i>Relationship with the deceased</i>	<i>Apportionment (%)</i>
1 st	Poomathi	Wife	60%
2 nd	S.P. Vivekabharathi	Daughter	15%
3 rd	S.P. Aravindh (attained majority)	Son	15%
4 th	T.N. Gangadevi @ Ganga	Mother	10%



5. The Tribunal is directed to transfer the above said award amount to the Bank accounts of the respondents 1 to 4/ claimants by way of NEFT / RTGS, on proper identification, in accordance with the terms of the award, without insisting on any formal permission petition.

6. The Civil Miscellaneous Appeal is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sriram General Insurance Company Ltd.,
10003, E8, RIICO Industrial Area,
Sitapura, Jaipur,
Rajasthan – 302 022.

Counsel for the Appellant

1. Poomathi

2. S.P. Vivekabharathi

3. S.P. Aravindh

4. T.N. Gangadevi @ Ganga

Counsel for the respondents 1 to 4

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

gya/stn

<https://www.mhc.tn.gov.in/judis>



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B. GOKULDAS (Retd.)

stn

To: The parties/Advocate concerned

Copy to:

1. The Motor Accident Claims Tribunal, III Additional District and Sessions Court, Gobichettipalayam, Erode District.
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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14.12.2024