



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 08th day of June, 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 SUNDER MOHAN

AND

Members

Mr.M.Pughazhendi District Judge (Retired)

Mr.R.Ravi Sekaran, Advocate

[C.M.A.No.1672 of 2022]

(Against the fair and decreetal award passed by the learned III Additional District and Session Judge, Cuddalore at Vridhachalam (Motor Accident Claims Tribunal) dated 28.02.2022 in M.C.O.P.No.70 of 2020.

1.Suryakala

2.Suresh

3.Nandhakumar

4.Kalaivani,

5.Kannammal,

6.Perumal

[5th and 6th Appellants are the legal heirs of the deceased and they are died memo filed to that effect today]

....Appellants/Petitioners

Vs.

1. Tamizselvan

2.MAGMA HDI General Insurance Company Ltd.

Navin's Presidium, 3rd floor Nelson Manickam Road,

New No. 17/19, Old No. 103, B- Block,

No.3/7A, Nelson Manickam Road

Chennai - 600 029

.. Respondents



This case came up for settlement before the National Lok Adalat. Both the parties are present. The learned counsel for the appellant, Mr.S.Udhayakumar and the learned counsel for the 2nd respondent Mr.B.Murugavel 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

Both the parties and their respective counsel are present.

2. The instant appeal has been preferred by the claimants seeking enhancement of the compensation awarded by the Tribunal. The Tribunal awarded a compensation of Rs.13,71,250/- @ 7.5.% p.a. The 2nd respondent had deposited the said sum and the appellants have withdrawn half of the deposited amount.

3. Parties have now agreed for a settlement, by which the 2nd respondent/Insurance Company has agreed to pay an additional sum of Rs.8,00,000/- (Rupees Eight lakhs only) in full quit to the claimants, within a period of six weeks from the date of receipt of a copy of this order. The claimants 1 to 4 have agreed to receive the said amount in full quit in addition to the award of the Tribunal.

4. It is stated by the parties that pursuant to the award of the Tribunal, the second respondent had deposited the award amount with interest. It is now represented that the appellants 5 and 6 are no more. The deceased appellants 5 and 6 shall not be entitled to any share of the enhanced amount. The amount awarded to the appellants 5 and 6 by the Tribunal shall be kept in deposit and the appellants 1 to 4 are at liberty to withdraw the same after establishing that they are the legal heirs of the appellants 5 and 6.

5. The Second respondent shall deposit the enhanced compensation amount Rs.8,00,000/- (Rupees Eight Lakhs only) within a period of six (6) weeks from the date of receipt of a copy of this order. On such deposit, the claimants



1 to 4 shall be entitled to withdraw the enhanced amount equally. The appellants 1 to 4 are permitted to withdraw the balance amount already deposited by the insurance company as per the apportionment fixed by the Tribunal.

6.The Tribunal is directed to follow the usual mode of payment on proper identification of the parties, concerned, in accordance with the terms of the award, without insisting on any formal permission petition. The Civil Miscellaneous Appeal is disposed of accordingly.

1.Suryakala

2.Suresh

3.Nandhakumar

4.Kalaivani,

Mr.S.Udhayakumar
Appellant

Counsel for the

MAGMA HDI General Insurance Company Ltd.
Navin's Presidium, 3rd floor Nelson Manickam Road,
New No. 17/19, Old No. 103, B- Block,
No.3/7A, Nelson Manickam Road
Chennai - 600 029

Counsel for the 2nd Respondent

This National Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the parties in the manner provided under 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



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To

The parties/Advocate concerned

Copy to

- 1.The Motor Accident Claims Tribunal,
III Additional District and Session Judge, Cuddalore at Vridhachalam.
- 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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SUNDER MOHAN.,J.

jd/dk

C.M.A.No.1672 of 2022

Dated: 08.06.2024