



HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 9th day of MARCH 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

Mr.K.BALASUBRAMANIAN, District Judge (Retd)

Mr.R.GANESH

CMA No.354 of 2024

Appeal against the order made in M.C.O.P.No.268 of 2022 dated 01.03.2023 on the file of the Special District Judge, MCOP Tribunal at Salem.

1.S.Sharmila

2.Minor.S.Thowfik

3.Minor.S.Siddiq

Minors are Rep. By NF/G Mother S.Sharmila ... Appellants

Vs.

1.Manikandan

S/o.Kandasamy

2.National Insurance Co. Ltd.,

T.P.HUB, Rep. By it Manager,

LRN Colony, II Floor,

Saratha College Main Road,

Hasthampatty, Salem.

... Respondents

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.Amar D Pandiya for M/s.M.Mohamed Riyaz, learned counsel for appellants and Dr.C.Paranthaman, learned counsel for the second respondent is 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.10,21,000/- with interest at 7.5% per annum from the date of petition till the date of decree and costs as compensation. Aggrieved by the award of the Tribunal, the appellants/claimants have preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to enhance the award to a sum of Rs.10,25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) with interest at 7.5% p.a. as compensation.

3. According to learned counsel for the second respondent- Insurance Company has already deposited the amount awarded by the Tribunal at Rs.10,21,000/- with interest and costs.

4. Hence, the second respondent / Insurance Company is directed to deposit the above said accepted award amount of Rs.10,25,000/- (Rupees Ten Lakhs Twenty Five Thousand only) as over and above the award amount awarded by the Tribunal with interest at the rate of 7.5% p.a. as compensation, within a period of six (6) weeks from the date of receipt of a copy of this award.

5. The enhanced award amount shall be apportioned among the appellants as follows:-

A1 (Wife)	-	Rs.5,25,000/-
A2	-	Rs.2,50,000/-
A3	-	Rs.2,50,000/-

The share of the minors appellants 2 and 3 shall be deposited in any of the Nationalised Bank until they attain majority. Interest accrued thereon shall be withdrawn by the mother of the minor/first appellant once in three months directly from the Bank.



6. On such deposit, the first appellant is permitted to withdraw her share without filing any formal petition. Further, 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, without insisting on any formal permission petition. The pay and recovery as ordered by the Tribunal is confirmed. The Civil Miscellaneous Appeal is disposed of accordingly. The connected miscellaneous petition is closed, if any.

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

1.S.Sharmila

2.Minor.S.Thowfik

3.Minor.S.Siddiq

Minors are Rep. By NF/G
Mother S.Sharmila

Counsel for the Appellant

National Insurance Co. Ltd.,
T.P.HUB, Rep. By it Manager,
LRN Colony, II Floor,
Saratha College Main Road,
Hasthampatty, Salem.

Counsel for the 2nd Respondent



To:

The parties/Advocate concerned

Copy to:

- 1.The Special District Judge, MCOP Tribunal at 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

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B.GOKULDAS,J. (Retd.)

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09.03.2024