



C.M.A.No.773 of 2023

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 09th 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, Advocate

CMA No.773 of 2023

Appeal against the Judgment and decree dated 04.08.2022 passed in M.C.O.P.No.408 of 2020 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Hosur, Krishnagiri District.

1.Bavya

2.Kumar

3.Ranjitha

4.Muniyamma

...Appellants

Vs.

1.Periyannan

2.The Branch Manager,
The National Insurance Company Ltd.,
Having its Branch Office,
No.74/A, Paramathy Road,
Namakkal – 637 001.

...Respondents

This case is taken up for settlement before the National Lok Adalat. Both the parties are present. Mr.M.Sivakumar, learned counsel for appellants and Mr.M.J.Vijayaraghavan 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.11,64,000/- with interest at 7.5% per annum from the date of petition till the date of realization and costs as compensation. Aggrieved by the award of the Tribunal, the appellants had preferred the present appeal.

2. After due deliberation and consultation, both the parties have agreed to enhance the award to a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) in full quit (without interest) as compensation.

3. According to learned counsel for the appellants, the 2nd respondent-Insurance Company has already deposited the amount awarded by the Tribunal at Rs.11,64,000/- and the appellants have withdrawn the same.

4. Hence, the second respondent / Insurance Company is directed to deposit the above said accepted award amount of Rs.8,00,000/- (Rupees Eight Lakhs only) as over and above the award amount awarded by the Tribunal as full quit (without interest) as compensation, after deducting the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this award. If the payment has not been made within the time stipulated, the 2nd respondent is directed to pay the amount along with the interest at the rate of 7.5% p.a., till the date of realisation. In all other aspects, the order of the lower Court is sustained.



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5.Out of the award amount of Rs.8,00,000/-, the appellants are entitled to the following amounts as compensation as apportioned by this Court.

- | | |
|--|-----------------|
| (i) 1 st appellant viz., Bavya | - Rs.5,00,000/- |
| (ii) 2 nd appellant viz., Kumar | - Rs.1,00,000/- |
| (iii) 3 rd appellant viz., Ranjitha | - Rs.1,00,000/- |
| (iv) 4 th appellant viz., Muniyamma | - Rs.1,00,000/- |

6.On such deposit, the Appellants/Claimants are permitted to withdraw their respective enhanced share amount.

7.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. The connected miscellaneous petition is closed, if any.

1.Bavya

2.Kumar

3.Ranjitha

4.Muniyamma

Counsel for the Appellant

The Branch Manager,
The National Insurance Company Ltd.,
Having its Branch Office,
No.74/A, Paramathy Road,
Namakkal – 637 001.

Counsel for the respondents

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



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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

To:
The parties/Advocate concerned

Copy to:

- 1.The Additional District Judge, Hosur, Vellore 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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B.GOKULDAS.J.,(Retd.)

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09.03.2024