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HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI

Madurai Bench of Madras High Court, Madurai - 625023



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 HONOURABLE MR.JUSTICE G.CHOCKALINGAM (Retd.)

and

Members
MR.P.MURUGIAH, District Judge(Retired)
&
MR.P.R.BALASUBRAMANIAN, Advocate

CMA(MD) No.823 of 2023

(Appeal against the judgment and decree passed on 28.07.2022 in MCOP.No.253/2019 on the file of the Motor Accidents Claim Tribunal, Additional District Court [Fast Track Court], Tenkasi)

The Branch Manager,
The New India Assurance Company Ltd.,
Door No.518/52, New Road,
Kovilpatti Kaspas,
Kovilpatti Taluk,
Thoothukudi District.

...Appellant

Versus

1. S.Mohamed Nainar,
S/o. Seena Shahul Mameethu

2. M.Kirudhu Oli,
S/o. Mohamed Nainar
Both are residing at
Door No.240/H, V.T.S. Colony,
Parayadi 2nd Street,
Tenkasi Taluk,
Tirunelveli District.

3. Banu
W/o. Abdul Kadhar,
Murugesan Tea Shop Compound,
Pallivasal Street,
Jeeva Nagar, Thalavaipuram,
Tirunelveli District.

4. Ameena
W/o. Meerasha
D/o Mohamed Nainar

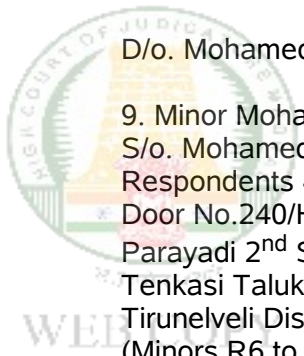
5. Mohamed Husain
S/O Mohamed Nainar

6. Minor Mohamed Ismail
S/o. Mohamed Nainar

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

7. Minor Jasmine,
D/o. Mohamed Nainar

8. Minor Shafrin,



D/o. Mohamed Nainar

9. Minor Mohamed Ali,
S/o. Mohamed Nainar
Respondents 4 to 9 are residing at
Door No.240/H, V.T.S. Colony,
Parayadi 2nd Street,
Tenkasi Taluk,
Tirunelveli District.
(Minors R6 to R9 are represented through their
father and natural guardian the 1st respondent)

10. Moorthy (Driver)
S/o. Arumugam,
Door No.53/51B, Chidambareshwarar Koil Street,
Tenkasi Taluk,
Tirunelveli District.

11. S.P.Sethuraj,
S/o. Pandarasamy
Door No.41.A3 1st Street,
Venkatesh Nagar,
Kovilpatti, Kovilpatti Taluk,
Thoothukudi District.

...Respondents

**(Attainment of majority by respondents 6 & 7 is recorded
in view of the Memo dated 09.03.2024)**

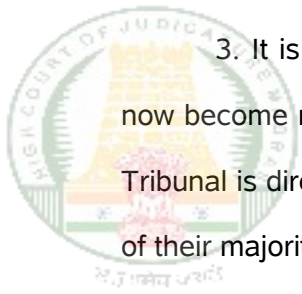
This case came up for settlement before the Lok Adalat. Both the parties present. The counsel for the appellant Mr.B.Vijay Karthikeyan and the counsel for the respondents 1 to 9/Mr.L.Siva are present. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.

AWARD

It is a case of fatal. Challenging the award passed by the Tribunal, the insurance company has come up with this appeal.

2. After due deliberation and discussion, the parties are willing to settle the matter for a sum of Rs.24,70,000/- (Rupees Twenty Four Lakhs and Seventy Thousand only) as a full quit. The appellant is directed to deposit the aforesaid compensation now arrived at before this Lok Adalat at Rs.24,70,000/-, less the amount already deposited, if any, to the credit of the claim petition within a period of four weeks from today, failing which, the aforesaid compensation amount shall carry interest at the rate of 7.5% per annum from the date of petition i.e., 03.03.2018 till the date of deposit. The aforesaid compensation of Rs.24,70,000/- shall be withdrawn by the respondents/claimants in the ratio apportioned by the Tribunal.

On such deposit, the respondents 1 to 5/claimants are permitted to withdraw their respective shares without filing formal permission petition before the Tribunal.



3. It is stated that respondents 6 and 7 who were minors at the time of filing this appeal, now become major. Today, a memo is also filed to that effect and the same is recorded. The Tribunal is directed to permit the respondents 6 and 7 to withdraw their respective shares by taking note of their majority as on date.

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4. As far as the shares of the respondents 8 and 9/minor claimants is concerned, it is stated that 8th respondent is now aged 17 years and the 9th respondent is now aged 16 years. Therefore, their share amount shall be deposited in a Nationalised Bank in a Fixed Deposit for a period of two years and three years respectively.

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

The Branch Manager,
The New India Assurance Company Ltd.,
Door No.518/52, New Road,
Kovilpatti Kaspas,
Kovilpatti Taluk,
Thoothukudi District.

Counsel for the Appellant

1. S.Mohamed Nainar,
S/o. Seena Shahul Mameethu

2. M.Kirudhu Oli,
S/o. Mohamed Nainar
Both are residing at
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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 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

To: The Parties/Advocate concerned
Copy To

1. Additional District Court [Fast Track Court], Motor Accidents Claim Tribunal, Tenkasi
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
BALAJI
PS To The Hon'ble Judges