



HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI
Madurai Bench of Madras High Court, Madurai - 625023

Saturday the 9th day of December 2023

NATIONAL LOK ADALAT AWARD

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

Presided Over by
The Honourable Mr Justice P.B. BALAJI
and

Members
Mr.P.Mohandoss, District Judge,(Retired), Mrs.C.Jeya Indra Patel, Advocate

CMA MD) No.883 of 2022

(Appeal against the judgment and decree passed on 05.12.2019 in MCOP.No.89 of 2018
on the file of the Motor Accident Claims Tribunal /Subordinate Judge, Eraniel)

Ancy

...Appellant

Versus

1.Anthiriyas
2.United India Insurance Company Ltd,
Rep by its Branch Manager,
2nd Floor,
Xavier Building,
PWD Road,
Nagercoil and Village,
Agastieswaram Taluk,
Kanyakumari District.

...Respondents

This case came up for settlement before the Lok Adalat. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.

AWARD

The appellant is the claimant seeking enhancement of the award amount granted by the Tribunal in MCOP No.89 of 2018. Though the claimants prayed for a compensation of Rs.22,00,000/-, the Tribunal proceeded to award for a sum of Rs.5,92,161.43/- together with interest at 7.5% per annum.

Today, the claimant and her counsel are present. On the side of the respondent, the

Deputy General Manager, the Insurance Company and the learned counsel for the



Insurance Company are also present. We have requested Dr. L.Ashok, Assistant Professor, Department of Orthopaedics, Madurai Medical College, Madurai to assess the disability of the claimant/appellant. After thorough examination of the appellant/the claimant, Dr. L.Ashok assessed the disability of the appellant at 25%. The Insurance Company has also agreed to fix the disability of the appellant at 25%. Accordingly, the compensation amount on disability is fixed as Rs.1,25,000/- (Rs.5000 x 25).

Similarly, towards pain and sufferings, we proposed to award an additional sum of Rs.25,000/- and both the parties have readily agreed. Accordingly, the award amount is enhanced by Rs.1,50,000/- which shall be payable together with interest at 7.5% per annum from the date of filing of MCOP till the date of payment. The Insurance company shall pay the aforesaid enhanced compensation amount of Rs.1,50,000/- within a period of four weeks from today. The Disability Certificate issued by Dr. L.Ashok is taken on file and the same shall form part and parcel of this award.

The Insurance Company states that the compensation amount awarded by the Tribunal has already been deposited. Therefore, the claimant is permitted to withdraw the amount together with accrued interest already deposited along with the enhanced amount to be deposited, without filing any formal application before the Tribunal. The Total enhanced compensation amount is Rs.7,42,161.43/- .

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 Section 1 of Section 21 of the LSA Act, 1987, as amended in 1994.

The original of the award shall be placed in the Court record and copy of the award shall be kept with the High Court Legal Service 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 conditions and accordingly, the award is passed.



Ancy

Counsel for the Appellant

1. Anthiriyas
2. United India Insurance Company Ltd,
Rep by its Branch Manager,
2nd Floor,
Xavier Building,
PWD Road,
Nagercoil and Village,
Agasteswaram Taluk,
Kanyakumari District.

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 award shall be placed in the court record and copy of the award shall be kept with High Court Legal Services Committee and one copy each shall be 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 conditions and accordingly, the award is passed.

JUDGE

MEMBER

MEMBER

To: The Parties/Advocate concerned
Copy To

1. The Motor Accident Claims Tribunal / Subordinate Judge, Eraniel
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
VRN
PA To The Hon'ble Judges