

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 131 of 1998

Appellant :- Oriental Insurance Co. Ltd.

Respondent :- Ashwani Kumar Chaturvedi And Another

Counsel for Appellant :- , Vipul Kumar

Counsel for Respondent :- Mohd. Naushad Siddiqui

Hon'ble Saral Srivastava,J.

1. Heard Sri Vipul Kumar, learned counsel for the appellant and learned counsel for the respondents.

2. The present appeal has been preferred by the appellant-insurance company challenging the award dated 23.11.1997 passed by the Motor Accident Claims Tribunal/Vith Additional District Judge, Kanpur Dehat (hereinafter referred to as 'Tribunal') in M.A.C.P. No.175 of 1997 whereby the Tribunal has awarded Rs.120,000/- along with 12% interest as compensation to the claimants/respondents.

3. Challenging the aforesaid award, learned counsel for the appellant has contended that the award has been passed on the basis of invalid compromise inasmuch as it is evident from the award itself that the compromise was not signed by any representative of the appellant-insurance company. It is contended that in such view of the fact, the impugned award cannot be sustained in law.

4. Learned counsel for the respondents also could not dispute the fact that the compromise which is the basis of award was not signed by any representative of the appellant-insurance company.

5. In such view of the fact, the impugned award cannot be sustained in law and is accordingly, set aside. Accordingly, the appeal is **allowed** and matter is remitted back to the Tribunal to decide the claim petition in accordance with law. The amount received by the claimant under the interim order of this Court shall not be recovered from him. However, the Tribunal is directed to return the balance amount deposited with it under the interim order of this Court to the appellant-insurance company. There shall be no order as to costs.

Order Date :- 28.10.2023

Sattyarth