Before the National Lok Adalat,
High Court of Judicature at Allahabad

Neutral Citation No. - 2023:AHC:233755

Court No. - 48
Case :- FIRST APPEAL FROM ORDER No. - 759 of 2017
Appellant :- Malkhan
Respondent :- Gaurav Kumar Singh And 2 Others
Counsel for Appellant :- Vidya Kant Shukla
Counsel for Respondent :- Vijay Prakash Mishra

Hon'ble Ms. Nand Prabha Shukla,J.

1. The matter is listed before the National Lok Adalat.

2. The present appeal has been preferred by the appellant against the Judgement/award dated 25.11.2016 passed by Motor Accident Claims Tribunal/Additional District Judge, Court No.24, Kanpur Dehat in M.A.C.P. No. 279 of 2013.

3. Appellant is not present, but he is represented through his counsel, Shri Vidya Kant Shukla (A/V 0096/12). Shri Sanjeev Yadav, Legal Officer of the Insurance Company identified by Shri Vijay Prakash Mishra, Advocate is also present.

4. A joint memo of settlement/compromise dated 09.12.2023, duly signed by learned counsel for the claimants and the executive of the insurance company as well as counsel for the insurance company has been placed on record. Accordingly, a settlement is shown to have been reached between the parties on the following terms:

"2 (i). The appellant shall be entitled to get Rs. 2,00,000/- (Rupees Two Lac only) in full and final satisfaction of his/their claim from respondent No.2 over and above the amount received by the claimants.

(ii) The amount due as above shall be deposited/ paid through cheque before the Tribunal concerned within 60 days from the date of receipt of copy of the order of the Hon'ble Court failing which interest @ 12% P.A. shall accrue from such date till payment.

(iii) That the parties have compromised the appeal out of their free consent and without any coercion/ pressure of any kind."

5. The same is marked as 'X' and is retained on record.

6. The said settlement is deemed to have been arrived at in consonance with the requirements of Order XXIII Rule 3 of the Code of Civil Procedure as applicable in the State of U.P.

7. In view of the above settlement having been reached, the present appeal stands decided in terms of the settlement noted above.

8. Let a copy of this order be communicated to the parties by the Office of Secretary, High Court Legal Services Committee, at Allahabad. Proof of service be placed on record.

9. In case, the appellant(s) has/have a grievance to this order being passed without his/her/their consent, he/she/they would be at liberty to apply for recall of this order within one month of its communication. Failing any application being filed within such time, the amount so settled shall be released in terms of this settlement immediately at the end of the period of two months therefrom, directly into their bank account, in compliance of this order.

10. It is made clear that in case, recall of this order is sought after the amount stands transferred in the bank account of the claimant(s), the amount of compensation so received in the account shall be deposited by the claimant(s) alongwith filing of the recall application, failing which, the recall application shall not be entertained. The amount so deposited shall be remitted back to the insurance company during the pendency of the recall application.

11. The original record of the Tribunal be returned forthwith.

12. This Court records appreciation of learned counsel for both the sides as well as representative of the Insurance Company because of whose joint efforts this old matter could be settled and **disposed of** in the above terms.

Order Date :- 9.12.2023
A.N. Mishra

(Mr. Ashutosh Gupta, Advocate) (Hon'ble Ms. Nand Prabha Shukla,J.)

Digitally signed by :-
AMARNATH MISHRA
High Court of Judicature at Allahabad