

HIGH COURT OF UTTARAKHAND AT NAINITAL

DAILY LOK ADALAT

Appeal from Order No. 313 of 2011

Ram Charan and others Appellants

Versus

Vikas Gupta and others Respondents

with

Appeal from Order No. 311 of 2011

Ram Charan and others Appellants

Versus

Vikas Gupta and others Respondents

with

Appeal from Order No. 312 of 2011

Ram Charan and others Appellants

Versus

Vikas Gupta and others Respondents

Present:

Mr. Girish Chandra Lakhchaura, Advocate for the appellants.

Mr. Prabhat Pande, Advocate through video conferencing and Mr. Subhash Joshi, Advocate holding brief of Mr. Siddhartha Bisht, Advocate for the respondent no.2/ National Insurance Co.

Mr. Manav Sharma, Advocate for respondent no.1 and 3.

Daily Lok Adalat Award

Hon'ble Rajesh Tandon, J. (Retd.)

Mahesh Chandra Pant, Member/Mediator

Valkalatnama filed by Mr. Manav Sharma. Advocate for the respondent no. 1 and 3 before the Registry is taken on record.

2. Present appeals have been filed on behalf of Ram Charan, Zarina and Master Anirodh Charan, bearing Appeal No. 313 of 2011, AO No. 311 of 2011 and AO No. 312 of 2011. All are connected together. The contention of the appellants are that Rs. 50,000/- is a meager amount and the same is liable to be enhanced to Rs. 34,42,000/.

3. Mr. G.C. Lakhchaura, Advocate has appeared on behalf of appellants in all the cases and on behalf of the respondent no.2 Mr. Prabhat Pande and Mr. Subhash Joshi, Advocate holding brief of Mr. Siddhartha Bisht, Advocate appeared on behalf of the National Insurance Co.

4. The counsel for the appellants have argued that the Tribunal has completely ignored the provisions of Motor Vehicles Act, 1988 and the guidelines provided under IIInd schedule of the Motor Vehicles Act.

5. The learned counsel for the appellants have further argued that the driver was driving the vehicle rashly and negligently and as a result of the same the death had occurred in all the three cases.

6. The Tribunal after perusing the record while deciding issue no.3 has come to the conclusion that the appellants are entitled only for Rs. 50,000/- from the National Insurance Co. Accordingly, Rs. 50,000/- was awarded.

7. Present appeals are for the enhancement.

8. The Tribunal has also recorded the finding for distribution of the awarded amount. For that there is no conflict and there is no argument from either of the side. Shri Prabhat Pande, Advocate has agreed that let the amount of Rs. 50,000/- be enhanced to Rs. 1 lakh as looking to the accident the appellants deserve a sum of Rs. 1 lakh for each appeals.

9. The Daily Lok Adalat is convinced with Shri Prabhat Pande, Advocate and Shri G.C. Lakhchaura, Advocate for having considered the feasibility on enhancing Rs. 1 lakh looking to the accident which has taken the life of three persons.

10. It is well established that the human life being very important, now a days and the protection of human rights having been incorporated since 1993, the Daily Lok Adalat, therefore, with the consent of both the parties enhance the amount from Rs. 50,000/- to Rs. 1 lakh in all the three appeals. All the three appeals are disposed of accordingly. The award is modified with the consent of both the parties by enhancing the compensation for a sum of Rs. 1 lakh each. The tribunal is guided by the principles of natural justice and the equity while considering the enhancement for a total sum of Rs. 1 lakh.

11. The order is passed accordingly.

12. The learned counsel for the appellants have stated that appellant no.1 and 2 have already died and, therefore, in these circumstances the awarded amount shall go to the surviving appellant no.3 Master Anirodh. Learned counsel for

the insurance co. Shri Prabhat Pande, has agreed that the remaining amount shall be disbursed within a period of six weeks.

13. Shri Prabhat Pande, Advocate and Mr. G.C. Lakhchaura, Advocate both have agreed for the settlement for as sum of Rs. 1 lakh instead of Rs. 50,000/0 in each of the appeals. The insurance co. shall deposit the amount before the tribunal concern within a period of six weeks after deducting the amount already deposited.

14. All the appeals are disposed of by fixing a compensation of Rs. 1 lakh and the award is passed accordingly in accordance with the settlement of both the parties.

(Mahesh Chandra Pant, Member)
19.12.2024

(Rajesh Tandon, J (Retd.))
19.12.2024