

HIGH COURT OF UTTARAKHAND AT NAINITAL
DAILY LOK ADALAT

Appeal from Order No. 539 of 2013

National Insurance Company Ltd.

.....Appellant

Versus

Smt. Chand Rani Chawla and others

.....Respondents

Present:

Mr. Lalit Belwal, Advocate for the appellant/ National Insurance Company.

Mr. Abhishek Verma, Advocate for the respondent no.1 and 2.

Daily Lok Adalat Award

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

Mahesh Chandra Pant, Adv./Member.

By the present appeal the National Insurance Company Ltd. has challenged the award dated 25.10.2013, passed by the Motor Accident Claims Tribunal/3rd ADJ, Udham Singh Nagar. According to the claimant, vehicle No. UK-06M-2004 was being driven by the driver rashly and negligently with the result that the husband of the claimant no.1 sustained the injuries and expired. The Claims Tribunal while deciding the issue no.1, 2 and 3 have come to the conclusion that accident occurred due to the rash and negligent driving by the rider of the motor cycle No. UK-06M-2004. The Claims Tribunal has awarded a sum of Rs. 20,42,416 (Twenty Lakh Forty-Two Thousand and Four Hundred Sixteen).

2. The Insurance Company has challenged the award on the ground that the multiplier of 11 has been wrongly used according to the age of the deceased as he was over 65 years. The Insurance Company is of the opinion that only the multiplier of 9 instead of 11 will be applicable and therefore the parties have agreed for the settlement and Smt. Chand Rani Chawla has sent a letter addressed to the Daily Lok

Adalat verified by Shri Abhishek Verma, Advocate and has also been verified by Shri Lalit Belwal, Advocate for the insurance company. The contents of the letter are quoted below:

“ सेवा में

श्रीमान लोक अदालत अधिकारी महोदय

डेली लोक अदालत

उत्तराखंड उच्च न्यायालय नैनीताल

विषय – ए. ओ. संख्या 539/2013 का राजीनामे के आधार पर निस्तारण चाहने बावत।

महोदय,

निवेदन है कि ए. ओ. संख्या 539/2013 नेशनल इश्योरेन्स कम्पनी लि. बनाम श्रीमती चांद रानी चावला आदि वास्ते राजीनामा हेतु नियत है जिसमें प्रार्थिनी चांद रानी चावला क्षतिपूर्ति की धनराशि के आकलन के लिए अपने पति की औसतन वार्षिक आय 2,75,783 / रूपये - में 1/3 भाग की कटौती के पश्चात् शेष वार्षिक आय 1,83,856/- रूपये पर अपर जिला जज तृतीय जिला उधम सिंह नगर के द्वारा लगाये गये गुणांक "11" के स्थान पर गुणांक "9" से प्रतिकर की धनराशि मय 7 प्रतिशत वार्षिक साधारण ब्याज से प्राप्त करने के लिए सहमत है।

अतः श्रीमान जी से प्रार्थना है कि उपरोक्त वाद संख्या 539/2013 को राजीनामे के आधार पर निस्तारित करने कि कृपा करे।

दिनांक 16/ April /2025

हस्ताक्षर

(चांद रानी)

प्रार्थिनी

श्रीमती चांद रानी चावला

हस्ताक्षर

हस्ताक्षर

(ललित बेलवाल)

(एडवोकेट अभिषेक वर्मा)

काउंसल इश्योरेन्स कंपनी

(एडवोकेट रेस्पोंडेंट न. 1 एंड 2)”

3. In view of the above, both the parties have agreed that instead of the amount of Rs. 20,42,416 the amount comes to Rs. 16, 74,704/- along with the 7 % simple interest.

4. On 18.12.2013 by means of interim order the insurance company was directed to deposit Rs. 20,00,000/- the order is quoted below:-

“Mr. V.K.Kohli, Senior Advocate, assisted by Mr.Kanti Ram Sharma, Advocate, present for the appellant.

Heard.

Admit the Appeal.

Summon the record of the Tribunal.

Issue notice to the respondents, returnable within a period of four weeks.

List thereafter.

Also heard on Stay Application No. 13911 of 2013.

If the appellant deposits Rs. 20,00,000/- (minus statutory deposit) with the MACT concerned within a period of eight weeks, the execution of the impugned award shall remain stayed, subject to the condition that the same has not been recovered (Stay Application is disposed of accordingly).

5. The matter has been settled on the ground that the parties have agreed for reducing the multiplier of 9 instead of 11. Both Shri Lalit Belwal and Smt. Chand Rani Chawla have cooperated in the matter of settlement which was verified by Shri Abhishek Verma and both the advocates deserve appreciation for getting the matter resolved. The accident occurred on 28.10.2009 and the appeal is of 2013 and the matter is now being settled. The credit goes to both the advocates for resolving the dispute amicably so that the widow Smt. Chand Rani Chawla may get the amount at least by the multiplier of 9 with 7 % interest.

6. The award is passed accordingly to the following directions: -

- (1) The award passed by the Tribunal is modified to the extent that instead of multiplier of 11, multiplier of 9 shall be applied.
- (2) The interest shall continue to be 7 % per annum.
- (3) Shri Lalit Belwal has prayed that for any excess amount deposited by the National Insurance Company, the National Insurance Company will be entitled for its reimbursement. He has also stated that he has deposited Rs. 20,00,000/- (Twenty Lakhs) in pursuance of the order passed by this Hon'ble Court. The same shall be adjusted

accordingly. The compromise deed shall be part of this award.

(Mahesh Chandra Pant, Adv./Member)
22.05.2025

(Rajesh Tandon, J (Retd.))
22.05.2025

Nahid