

HIGH COURT OF UTTARAKHAND AT NAINITAL
DAILY LOK ADALAT

Appeal from Order No. 237 of 2012

I.C.I.C.I Lombard General Insurance
Company /Ltd.

.....Appellant

Versus

Smt. Saroj Devi. and others

.....Respondents

Present:

Mr. Pulak Agarwal, Advocate for the appellants
Mr. Vishwaketu Vaidya, Advocate holding brief of Mr. S.KShandilya,
Advocate for the respondent no.1 and 2.

with

Appeal from Order No. 200 of 2012

Vikram Tyagi and another

.....Appellants

Versus

Smt. Saroj Devi. and others

.....Respondents

Present:

Mr. Rajendra Singh Azad, Advocate for the appellants
Mr. Pulak Agarwal, Advocate for respondent no.3.
Mr. Vishwaketu Vaidya, Advocate holding brief of Mr. S.K. Shandilya,
Advocate for respondent no. 1 and 2.

Daily Lok Adalat Award

Hon'ble Rajesh Tandon, J. (Retd.)
Mahesh Chandra Pant, Advocate / Member

Mr. Aditya Sharma, Nodal Officer for Insurance
Company is present through video conferencing.

2. There are two appeals before the Daily Lok Adalat.
One has been filed by the Vikram Tyagi and Shalendra Singh as
the owner and driver of the vehicle. Another appeal has been

filed by the Insurance Company i.e. I.C.I.C.I Lombard General Insurance Co. Ltd. The impugned order being common in both the appeals the operative portion of the impugned order reads as under:

आदेश

याचीगण की याचिका विपक्षी सं - ३ आई सी आई सी आई लोम्बार्ड जनरल इंश्योरेंस कंपनी के विरुद्ध ₹ ४, ४२, ०००/- (चार लाख ब्यालीस हजार रुपये) मोटर दुर्घटना प्रतिकर प्राप्त करने हेतु एवार्ड की जाती है। विपक्षी सं ३ को आदिष्ट किया जाता है की वह निर्णय की तारीख से एक माह के अंदर ₹ ४,४२,०००/- (चार लाख ब्यालीस हजार रुपये) प्रतिकर धनराशि न्यायालय में जमा करे। विपक्षी सं -३ बीमा कंपनी को प्रतिकर की धनराशि विपक्षी सं - १ विक्रम त्यागी व विपक्षी सं -२ शैलेन्द्र कुमार से वसूल करने का अधिकार होगा।

प्रतिकर की धनराशि में से मृतक का पुत्र याची सं २ विकास शर्मा ₹ १,००,०००/- (एक लाख रुपये) तथा प्रतिकर की शेष धनराशि याची सं -१ श्रीमती सरोज देवी मय ब्याज प्राप्त करने की अधिकारी होगी।

विपक्षी सं - ३ बीमा कंपनी को यह भी निर्देश दिया जाता है कि उपरोक्त प्रतिकर राशि ₹ ४,४२,०००/- पर दावा योजित होने की तिथि दिनांक १७-०२-२०११ से वास्तविक भुगतान की तिथि तक ६ प्रतिशत वार्षिक ब्याज याचीगण को अदा करेगा।

यदि याचीगण ने अंतरिम प्रतिकर के रूप में कोई धनराशि पहले प्राप्त की हो तो वह धनराशि एवार्ड की धनराशि में समायोजित की जाये।

दिनांक १७-०२-२०१२

(सी पी बिजलवान)

मोटर एक्सीडेंट क्लेम ट्रिब्यूनल /

अपर जिला जज ,

रूड़की,

जनपद-हरिद्वार।

निर्णय आज खुले न्यायालय में मेरे द्वारा हस्ताक्षरित , दिनांकित कर उद्घोषित किया गया।

दिनांक १७-०२-२०१२

(सी पी बिजलवान)

मोटर एक्सीडेंट क्लेम ट्रिब्यूनल /

अपर जिला जज, रूड़की,

जनपद-हरिद्वार।

3. As will appear from the operative portion of the order that a sum of Rs. 4,42,000/- was awarded and the respondent no.3 i.e. Insurance Co. shall pay the amount to the claimant and

the insurance company may realize the amount from the owner i.e respondent no. 1 and 2.

4. In the other appeal no. 237 of 2012, the insurance company has challenged the said award on the ground that the liability imposed upon the insurance company for the payment to the claimant is liable to be set aside.

5. The matter was taken up by Daily Lok Adalat on 04.12.2024, the order is quoted below:-

“AO No. 200 of 2012

Hon’ble J.C.S. Rawat, J. (Retd.)
Mahesh Chandra Pant, Member

None is present for the appellant.

Ms. Naincy, Advocate holding brief of Mr. S.K.Shandilya Advocate for respondent no.1 and 2.

The notices were sent to the parties. The office has reported that notices upon the appellant no.1 and 2 have been received with the remark that they were not at home in the given address whereas the respondent no.3 is concerned the office has not given any service report.

In these circumstances, it is not possible to proceed further in the Daily Lok Adalat in absence of the parties.

In view of the above, the matter be sent to the Hon’ble Court for final adjudication.

(Mahesh Ch. Pant, Member) (J.C.S.Rawat, J. (Retd.)”

04.12.2024

04.12.2024

6. On 20.02.2025, the Daily Lok Adalat consisting of Justice Rajesh Tandon and Mr. Mahesh Chandra Pant, Member of the Daily Lok Adalat has already granted time to the insurance company to seek the instructions and direction was that the

representatives shall be present. The order passed on 20.02.2025 is quoted below: -

AO No. 237 of 2012
with
AO No. 200 of 2012

Hon'ble Rajesh Tandon, J. (Retd.)
Mahesh Chandra Pant, Member

Heard Mr. Pulak Agarwal, Advocate the appellant.

Mr. Vishvaketu Vaid, Advocate holding brief of Mr. S.K.Shandilya, Advocate for respondent nos. 1 and 2.

Learned counsel for the appellant prays for and is granted 10 days' time to seek instructions from the Insurance Co.

The matter is listed from time to time. On the next date some representative shall remain present on behalf of the Insurance Co. in both the appeals to settle the matters.

List these cases on 20.03.2025.

(Mahesh Ch. Pant, Member)

20.02.2025

Nahid

(Rajesh Tandon, J. (Retd.))

20.02.2025

7. Thereafter since the matter of Appeal No. 200 of 2012 is listed today, both the parties have stated that appeal no. 237 of 2012 is connected with appeal no. 200 of 2012 in as much as both arise out of the same award of the Tribunal.

8. In these circumstances, in view of the settlement passed in appeal no. 237 of 2012, there will be no use in keeping the Appeal No. 200 of 2012 pending. Therefore, both the appeals are being disposed of on the basis of the settlement between the parties. Since all the parties and the representatives are present

today therefore both the matters are taken up before the Daily Lok Adalat.

9. Mr. Aditya Sharma, Nodal Officer on behalf of the insurance company who has stated to the following effect:-

“We are ready to withdraw the appeal no. 237 of 2012 and the amount awarded has already been deposited, the rest of the money can be withdrawn by the claimant. He has also stated that he will forgo the recovery rights.”

10. The statutory amount deposited by the Insurance Company in Appeal No. 237 of 2012 shall be transferred in the account of the claimant.

11. Shri Pulak Agarwal has very fairly settled the matter. Shri Rajendra Singh Advocate, Shri Aditya Singh Nodal Officer, both have supported the stand taken by the insurance company for settling the dispute with regard to the compensation amount awarded in the year 2012.

12. The present appeal is also pending since 2012. More than 10 years have already passed and therefore, the Daily Lok Adalat has proud of both the advocates for settling the dispute in the interest of the claimant who has suffered the loss on account of the accident.

13. Shri Aditya Sharma, Nodal Officer has also supported for settlement as the claimant being a sufferer of 2012

accident and now settled in the interest of the Nodal Officer has settled in the interest of the claimant.

14. In view of the above, the order passed by the Tribunal on 17.02.2012 shall stand settled in the terms narrated below: -

- (i) The amount as directed by the Tribunal to the effect that the amount shall be payable by Smt. Saroj Devi stands allowed and the insurance company shall not recover the amount as per the order of the Tribunal. The total amount is settled on a sum of Rs. 4,42,000/- to be payable by the insurance company.
- (ii) The appeal filed by the insurance company being appeal no. 237 of 2012 is withdrawn and shall stand dismissed. Appeal no. 200 of 2012 filed by the owner and driver stands allowed in view of the settlement.
- (iii) There will be no more liability on behalf of the owner and the driver to reimburse the amount.
- (iv) The amount deposited by the owner and the driver shall stand refunded in terms of the settlement.

15. Award is passed accordingly.

(Mahesh Chandra Pant, Adv./Member)
20.03.2025

(Rajesh Tandon, J (Retd.))
20.03.2025

