

515

**CM NO.11288-CII OF 2015
CM NO.11287-CII OF 2015
IN FAO NO.3308 OF 2005**

SUSHMA DEVI V/S HASSAN MOHD. & ORS

Present: Mr. Saurabh Bajaj, Advocate for the appellant.

Mr. Suvir Dewan, Advocate with
Mr. Sunil Singh, Assistant Manager Legal,
National Insurance Company Limited.

Claim Petition preferred by the appellant, herein, was disposed of by the Motor Accidents Claims Tribunal vide award dated 10.02.2005. The claimant was held entitled to a compensation of ₹ 3,52,600/- with interest. The claimant preferred an appeal which was registered as FAO No.3308 of 2005. This appeal came up for hearing before the Lok Adalat on March 20, 2009 and was finally disposed of by enhancement of amount of compensation by ₹ 40,000/- over and above the amount awarded by the Motor Accidents Claims Tribunal. The appeal, thus, finally stood disposed of having been settled before the Lok Adalat.

It appears that the file of this appeal was reconstructed as the record was perhaps burnt in fire that took place in High Court premises. The said FAO was again put up before the Lok Adalat for disposal after reconstruction of file. The matter was again settled before the Lok Adalat and the claimant was awarded a compensation of ₹ 2,30,000/- over and above the amount awarded by the Motor Accidents Claims Tribunal vide order dated March 16, 2015 and the appeal was, thus, disposed of.

It was, thereafter, that the Insurance Company moved Civil Miscellaneous No.11287-88-CII of 2015 seeking recalling of the order passed on March 16, 2015 by alleging that the matter already stood settled and the compensation of ₹ 40,000/- as awarded by the Lok Adalat vide order dated March 20, 2009 already stood deposited

and withdrawn by the claimant. The application moved by the Insurance Company was lacking in certain particulars. A detailed application duly supported by an affidavit has, today, been moved, which is taken on record. The office is directed to register this application and assign it a number.

Mr. Saurabh Bajaj, learned counsel for the appellant has put in appearance and concedes that the matter already stood decided and the claimant had withdrawn the amount of ₹ 40,000/- already awarded by the Lok Adalat in 2009.

In view of the aforesaid facts and circumstances, we recall our order dated March 16, 2015. This appeal on reconstruction stands disposed of as it had already been disposed of by the Lok Adalat in the year, 2009. Record be consigned. Civil Miscellaneous stands disposed of accordingly.

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER**

October 19, 2015

naina