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FAO No.3379 of 2006 (O&M)

Mukesh Vs. Raj Kumar and ors.

(Appeal against the Award dated 31.8.2005 passed by Shri N.P.Dewett, Motor Accident Claims Tribunal, Gurgaon, in Claim Petition No.102 of 10.6.03).

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Present: Mr.Ramesh Chand Chauhan, Advocate for the appellant.

Mr.Gopal Mittal, Advocate, with
Mrs.Mamta Bansal, Deputy Manager,
United India Insurance Company Limited.

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Mukesh – appellant has died. An application has been filed for bringing on record his legal heirs. Since application is not opposed by the Insurance Company, Sushila Devi, widow of Mukesh, Mahan Kataria and Sikander, both sons of deceased Mukesh, are therefore impleaded as appellants in place of Mukesh deceased.

Office is directed to get the Civil Misc. numbered and list it for hearing today.

After discussion, learned counsel for the appellants made statement to accept ₹1,25,000/- (₹ One Lac Twenty Five Thousand Only), over and above the amount awarded by the Tribunal in full and final settlement of the claim, to which, learned counsel and representative of the Insurance Company have agreed. Hence, a sum of ₹1,25,000/- (₹ One Lac Twenty Five Thousand Only) is allowed to the appellants. Two months' time is allowed to the Insurance Company to deposit the amount before the MACT, failing which, interest at the rate of 9% per annum shall follow on this amount till payment from the date of this order. As suggested by learned counsel for the appellants, the enhanced amount would be

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paid to appellant No.1 – Sushila Devi (widow), by depositing it in her bank account by the Insurance Company or the Motor Accident Claims Tribunal. The appellant will furnish bank account particulars with IFS Code to the Insurance Company/MACT.

The appeal is disposed of accordingly.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the High Court.

(A.L.Bahri)
President

05.05.2015

P.seth

(S.K.Jain)
Member