

**501 FAO NO.3095 OF 2001
KITABO
V/S
M/S SEAHATH CANNING CO. AND ORS.**

AND

**FAO NO.3099 OF 2001
BALRAJ SINGH
V/S
M/S SEAHATH CANNING CO. & ORS.**

*** * * ***

Present: None
 For the appellant.

Mr. Rajesh K. Sharma, Advocate
With Mr. S.K. Takyar, manager
United Ins. Co. Ltd.

Mr. D.R. Bansal, Advocate
For National Ins. Co.

*** * * ***

Two claim petitions were filed; one by Kitabo Devi and the other by Balraj Singh. Kitabo Devi claimed compensation for the death of her son whereas Balraj Singh filed the claim petition seeking compensation for the injuries suffered by him. These two petitions were clubbed together by the Motor Accidents Claims Tribunal and decided vide order dated March 29, 2001. Kitabo Devi-claimant was awarded a compensation of ₹ 1,64,000/- with 9% interest per annum whereas Balraj Singh was awarded a compensation of ₹ 30,000/- for the injuries suffered by him.

Two appeals were filed against the award of the Motor Accidents Claims Tribunal; one by Kitabo Devi and the other by Balraj Singh. The appeal of Kitabo Devi was registered as FAO No.3095 of 2001 whereas the appeal preferred by Balraj Singh was registered as FAO No.3099 of 2001. The record of these appeals was, perhaps, burnt in a fire that broke out in the High Court premises. The record was reconstructed and it is how the matter came up before the Lok Adalat. The matter was discussed with the learned counsel for the parties and almost a consensus had been arrived at. However, learned counsel appearing for the Insurance Company before agreeing to the proposal brought to our notice that both these appeals had earlier been settled by the Lok Adalat on 12.05.2008. The appeal of Kitabo Devi was disposed of by allowing her additional amount of ₹ 60,000/- over and above the amount awarded by the Tribunal whereas the appeal preferred by the Balraj Singh was also disposed of by awarding him another sum of ₹ 35,000/-.

* * * *

Learned counsel has placed on record a photocopy of the disbursement voucher dated 04.07.2008 whereby a sum of ₹ 95,000/- vide cheque No.699680 dated 04.7.2008 favouring Motor Accidents Claims Tribunal was deposited with the Court at Kaithal.

Learned counsel further pointed out after referring to his record that the amount deposited in the case of Kitabo Devi and Balraj Singh has since been withdrawn by them. Learned counsel further submits that in this view of the matter, these appeals deserves to be disposed of and consigned to record room having already been finally settled before the Lok Adalat by way of compromise during the year, 2008.

None has put in appearance on behalf of the appellants. In view of the stand of the learned counsel for the Insurance Company, these appeals are consigned to the record room. Liberty is, however, granted to the claimants to get these appeals revived in case of need as none has put in appearance on their behalf. A copy of this order be sent to the claimants for their information

A copy of this order be placed on the file of the connected appeal.

(G.C. GARG)
PRESIDENT

(B.S. SIDHU)
MEMBER

February 02, 2016

naina