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FAO No.3986 of 2010

Naib Singh and anr. Vs. Ram Kumar and ors.

Present: Mr.J.S.Khattar, Advocate, for
Mr.Deepak Sharma, Advocate,
for the appellants.

Ms.Madhu Sharma, Advocate,
for Oriental Insurance Co. Ltd. – respondent No.3.

Mr.Amrinder Singh Sidhu, Advocate, with
Mr.R.K.Wali, Manager, and
Mr.Deepak Malik, Assistant Manager,
National Insurance Company Limited (**Hry. Region**) –
respondent No.5.

* * * *

There were two Insurance Companies, who were held liable to pay the compensation in equal shares. These are Oriental Insurance Company Limited and National Insurance Company Limited.

On 08.02.2016, on behalf of the appellants, statement was made to accept ₹2,40,000/- (₹ Two Lac Forty Thousand Only) over and above the amount awarded by the Tribunal in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants, the enhanced amount be paid to appellant No.2 – Smt. Karnailo Devi.

On 24.02.2016, vide statement separately recorded, learned counsel for respondent No.3 – Oriental Insurance Company Limited had given concurrence to enhance ₹1,20,000/- (₹ One Lac Twenty Thousand Only) i.e. 50% of the share of respondent No.3 – Insurance Company of the enhanced amount. This was subject to all just exceptions available in favour of respondent No.3 – Oriental

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Insurance Company Limited.

Today, learned counsel and representatives of respondent No.5 – National Insurance Company Limited have given concurrence to enhance ₹1,20,000/- (₹ One Lac Twenty Thousand Only) i.e. 50% of the share of respondent No.5 – Insurance Company and made the statement to this effect. This is subject to all just exceptions available in favour of respondent No.5 – National Insurance Company Limited.

Thus, a sum of ₹2,40,000/- (₹ Two Lac Forty Thousand Only) is allowed to the appellants against the two Insurance Companies named above in the ratio as stated above. Accordingly, we dispose of this case with a direction to both the Insurance Companies to deposit the crossed – cheques for the agreed amount of their share in favour of appellant No.2 – Smt.Karnailo Devi, with the office of the Lok Adalat of the High Court on or before 04.04.2016, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The appellant's counsel/appellant may collect the cheques from the office of the Lok Adalat.

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

(R.K.Nehru)
President

29.02.2016

(Ram Chand Gupta)
Member