

FAO No.2836 of 2015
Simple Chadha and anr. Vs. Sushil Kumar Sharma and ors.
and
FAO No.7197 of 2015
Gulshan Chadha and anr. Vs. Sushil Kumar Sharma and ors.

Present: Mr.Devenderbir Singh, Advocate, for
Mr.Amit Rana, Advocate for the appellants,
(in FAO No.2836 of 2015) and
for proforma respondents No.3 and 4
(in FAO No.7197 of 2015)

Mr.Sanjeev Goyal, Advocate,
for respondent No.2 – ICICI Lombard Gen. Ins. Co. Ltd.
(in both appeals, FAO Nos.2836 and 7197 of 2015).

Ms.Minakshi Poswal, Advocate, for
Mr.R.S.Mamli, Advocate,
for proforma respondents No.3 and 4
(in FAO No.2836 of 2015) and
for the appellants
(in FAO No.7197 of 2015).

* * * * *

This order shall dispose of both the appeals mentioned above as the same have arisen out of the same accident and are with regard to the death of the same person i.e. Rishi Chadha.

On 13.05.2016, appellant No.1 – Simple Chadha, learned counsel for the appellants, Mr.Amit Rana, and learned counsel for proforma respondents No.3 and 4, Mr.R.S.Mamli, (in FAO No.2836 of 2015) made the statement to accept ₹15,00,000/- over and above the amount already awarded by the Tribunal in full and final settlement of the claim in this appeal. It was further agreed that the enhanced amount of ₹15,00,000/- will be shared between the appellants on the one hand and proforma respondents No.3 and 4 on the other hand in the same ratio as has been held by the MACT i.e. 80% to the appellants and 20% to proforma respondents No.3 and 4.

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Today, on behalf of the Insurance Company concurrence has been given to this effect. Thus, a sum of ₹15,00,000/- (₹Fifteen Lac Only) is allowed to the appellants and proforma respondents No.3 and 4 against the Insurance Company.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit crossed – cheques of the enhanced amount i.e. ₹15,00,000/- in the same ratio as has been held by the MACT i.e. 80% to the appellants and 20% to proforma respondents No.3 and 4 with the office of the Lok Adalat of the High Court on or before 09.12.2016, 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(s)/proforma respondents' counsel/proforma respondents may collect the cheque 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.

A photocopy of this order be also placed on the file of the connected appeal, FAO No.7197 of 2015.

**(R.K.Nehru)
President**

**(Ram Chand Gupta)
Member**

08.11.2016
P.Seth