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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 487/2011**

NARESH BINDAL & ORS Appellants
Through: Mr. Varinder Kumar Sharma, Advocate

versus

MUNSHI LAL & ORS Respondents
Through: Ms. Sandhani B. Saikia, Advocate for R-
1 & 2

+ **MAC.APP. 1064/2011**

**NARESH BINDAL & ORS LRS OF JAGDISH
PRASAD** Appellant
Through: Mr. Varinder Kumar Sharma, Advocate

versus

MUNSHI LAL & ORS Respondents
Through: Ms. Sandhani B. Saikia, Advocate for R-
1 & 2

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

% ORDER
28.04.2016

After some hearing, both parties, i.e. the appellants and the first respondent, through counsel, submit that they are ready to amicably settle the disputes. Their joint statement is recorded.

Joint Statement of Sh. Varinder Kumar Sharma, Advocate for, on behalf of and under instructions of the appellants Naresh Bindal, Mahesh Bindal and Smt. Munni Devi (legal heirs of late Jagdish Prasad), with Naresh Bindal in person for self and other appellants, and Ms. Sandhani B. Saikia, Advocate for, on behalf and under instructions of first and second respondents (Munshi Lal and Ramwati).

AT BAR / ON S.A.

We have amicably resolved the dispute arising out of the judgment dated 04.02.2000 of Motor Accident Claims Tribunal (Tribunal) in suit no.359/1998 and orders dated 13.07.2004 and 22.10.2005 of the Tribunal in proceedings arising out of applications under Order 9 Rule 13 CPC filed in its wake, the said proceedings concerning the claim of the first and second respondents herein (hereinafter referred to as the claimants) due to death of their son, Giri Raj Singh in motor vehicular accident that occurred on 15.10.1986 involving motor vehicle oil tanker bearing registration no.DLL-2792 (the vehicle).

The appellants (hereinafter referred to as the judgment debtors), hereby undertake to pay to the claimants an amount of Rs.2 Lakhs (Rupees Two Lakhs) for full and final settlement of the balance claim under the award of compensation granted by the tribunal in their favour, the amount having been settled after adjusting the amount earlier paid. The appellants hereby undertake to pay to the claimants the said amount by remitting demand drafts drawn of a nationalized bank in four instalments, each of Rs.50,000/- (Rupees Fifty thousand

each) on or before 28.05.2016, 28.06.2016, 28.07.2016 and 28.08.2016 respectively. The claimants have agreed through counsel under instructions to receive the said amount of money as full and final satisfaction of what is due to them under the orders passed by the Tribunal and not to claim any further amount thereafter. The appellants hereby further agree and undertake that they shall not commit any default in timely payment of the amounts as above and in case of any default be liable to pay interest @ 12% p.a. against the balance which may have fallen due, the same becoming recoverable in lumpsum in such event.

The appellants agree and undertake to pay the above mentioned instalments and the claimants agree to receive the same by appropriate deposits of the demand drafts by the appellants with the tribunal.

The appellants request that they may be given liberty to institute appropriate proceedings against the insurance company with which the vehicle was insured against third party risk to seek reimbursement of the amount agreed to be paid to the claimants, to which request the claimants submit no objection.

In view of the above settlement, the appellants hereby withdraw these appeals and both parties request that the joint statement may be made rule of the court.

R.O.A.C.

R.K.GAUBA, J

The above settlement is made the rule of the court. The parties are bound by their respective undertakings. The amount amicably settled as per the joint statement recorded above shall be recoverable in the manner agreed by both sides. Both parties shall scrupulously abide by their respective undertakings and the agreement. Liberty as prayed is granted to the appellants qua their claim against the insurance company though subject to just exceptions.

The appeals are disposed of, in above terms.

The Tribunal's record shall be returned with a copy of this order. The Tribunal shall take necessary steps to ensure enforcement of the settlement.

R.K.GAUBA, J

APRIL 28, 2016

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