

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**NATIONAL LOK ADALAT**

Judge - Lok Adalat : **Hon'ble Mr. Justice Chandra Bhushan Bajpai**

Member - Lok Adalat : **Mr. Vinay Harit, Sr. Advocate**

**MAC No. 920 of 2014**

1. Smt. Latika Dey, W/o Late Shashank Shekhar Dey, aged about 58 years, R/o - C/18, Subhash Block, S.E.C.L. Colony, Korba, Post Office & Police Station - Korba, Tahsil & District -Korba (C.G.) ...(Non-applicant/Claimant No.4)

**---- Appellant**

**Versus**

1. Smt. Ilarani Dey W/o Shubhendu Dey, aged about - 29 years, R/o - Q.No. B-32, Gajara Bank Colony, Banki Mongra, Post Office & Police Station - Banki Mongra, Tahsil - Katghora, District Korba (C.G.) (Applicant/Claimant No.1)
2. Shrishti Dey, D/o Late Shubhendu Dey, aged about 7 years (Applicant/Claimant No.2)  
[Appellant No.2 being minor on behalf of through her legal guardian mother Smt. Ilarani Dey, Respondent No.01]
3. Gulab Singh Gond, S/o Samar Singh Gond, aged about 36 years, R/o - Manikpur, Post Office & Police Station - Pali, District - Korba (C.G.) (Non-applicant/ Non-claimant No.1)  
[Driver of the vehicle Dumfer (Teeper) bearing registration No. C.G. 12/ZC/1779]
4. Shankar Prasad Agrawal, S/o Bhagwati Prasad Agrawal, aged about 44 years, R/o- Village - Surakachhar, Post Office & Police Station - Banki Mongra, Tahsil - Katghora, District - Korba (C.G.) (Non-applicant/Non-Claimant No.2)  
[Registered owner of the vehicle Dumfer (Teeper) bearing registration No. C.G. 12/ZC/1779]
5. The Oriental Insurance Company Limited, through Senior Divisional Manager, The Oriental Insurance Company Limited, Divisional Office, Geetanjali Bhawan, Near Old Bus Stand, Post Office & Police Station - Korba, Tahsil & District - Korba (C.G.) (Non-applicant/Non-Claimant No.3)  
[Insurer of vehicle Dumfer (Teeper) bearing registration No. C.G. 12/ZC/1779]

**---- Respondents**

**And**

**MAC No.777 of 2014**

1. Smt. Ilarani Dey, Wd/o Late Shubhendu Dey, now aged about 30 years (wife)
2. Ms. Srishti Dey D/o. Late Shubhendu Dey, now aged about 8 years, (Daughter)  
(Appellant No.2 being a minor is represented by & though natural guardian mother, appellant No.1-Smt. Ilarani Dey)  
Both R/o. Qr. No. B-32, Gajara Bank Colony, SECL, Banki-Mongra, Tah: Katghora, Civil & Revenue District Korba, Chhattisgarh.

**---- Appellants**

**Versus**

1. Gulab Singh S/o Samar Singh Gond, now aged about 37 years, R/o. Manikpur, PS Pali, Civil & Revenue District Korba, Chhattisgarh (Driver)
2. Shankar Prasad Agrawal S/o. Bhagawati Prasad Agrawal, now aged about 45 years, R/o. Village Surakachhar Bhairotal, P.O. Banki-Mongra, Tahsil

Katghora, Civil & Revenue District Korba, C.G. (Owner)

3. The Oriental Insurance Company Limited, through its Sr. Zonal Manager, Zonal Office - Geetanjali Bhawan, Old Bus Stand Korba, Tahsil/ Civil & Revenue District Korba, Chhattisgarh (Insurer)
4. Smt. Latika Dey Wd/o. Late Shashank Shekhar Dey, now aged about 59 years, (Mother of the deceased) R/o. Qr. No.C-18, Subhash Block Colony SECL Korba Tahsil Korba, Civil and Revenue District Korba, Chhattisgarh

---- Respondents

For Appellant(s) :- Shri Shivendu Pandya, Advocate in MAC No.920 of 2014.  
Shri Mirza Kaiser Baeg, Advocate in MAC No.777 of 2014.  
For Respondents:- Shri R.N.Pusty, Advocate for Respondent No.5 in MAC No.920 of 2014 and for Respondent No.3 in MAC No.777 of 2014.

**AWARD**

(Passed on 8<sup>th</sup> April, 2017)

1. As both these two MAC arise out of the award passed by the Addl. MACT (FTC) Korba, C.G. in Claim Case No.193/2013 dated 29-04-2014, hence both these MAC, connected matters, are being disposed of by this common award.

2. Before the Tribunal the appellant in MAC No.920 of 2014 was the respondent No.4 and the appellants of the MAC No.777 of 2014 were applicants. The Tribunal vide award dated 29-04-2014 awarded compensation for all the appellants of the instant both MAC as per para 33 of the award. Against the said award the appellants of both the MAC preferred respective MAC for enhancement also for apportionment by the Court below.

3. The appellants in both the MAC and the respondent, i.e. Oriental Insurance Company Limited through their respective counsel amicably settled the matter and filed a compromise petition to dispose of both the MAC. The parties in both the MAC arrived at the amicable settlement and compromised which is as follows:-

"It is settled between the parties that the Oriental Insurance Company Ltd. (respondent No. 3 in MAC No. 777/2014 and respondent No. 5 in MAC No. 920/2014) shall pay additionally an amount of Rs. 7,00,000/- (Seven lacs only) over and above the amount already awarded by the Tribunal to the claimants in both the Appeals, in full and final settlement of their claim, within a period of 60 days.

It is further settled between the claimants/ Appellants inter se in both the Appeals that out of the said amount of Rs. 7 lacs, the Appellant in MAC No. 777/2014 will receive an amount of Rs. 5,00,000/- (Five lacs only) and the Appellant in MAC No. 920/2014 will receive an amount of Rs. 2,00,000/- (Two lacs) in full satisfaction of their respective claims."

4. As the parties of both the MAC entered into a compromise, both the MAC are hereby disposed of in terms of the compromise settled between the parties. In addition to it, it is further directed that if the respondent Oriental Insurance Company Limited failed to deposit the amount as settled, i.e., Rs.7,00,000/- in addition to the awarded amount as per award dated 29-04-2014 within 60 days from now, the respondent Oriental Insurance Company Limited has to pay 6% per annum from the date of the award as interest. It is further directed that the amount so settled after deposit be disbursed by the Tribunal below in the light of settlement and as per settled law.

5. Both the MAC disposed of accordingly.

6. Copy of the award be placed in MAC No.777 of 2014.

Sd/-  
(C.B. Bajpai)  
Judge - Lok Adalat  
High Court of Chhattisgarh  
Bilaspur

Sd/-  
(Vinay Harit)  
Member – Lok Adalat  
High Court of Chhattisgarh  
Bilaspur

