

FAO No.1432 of 2014 (O&M)
Giano Devi and anr. Vs. Sunil and ors.

And

FAO No.505 of 2014 (O&M)
Meenu Vs. Sunil and ors.

Present: Mr.Sansar Kundu, Advocate,
for the appellants (in FAO No.1432 of 2014 (O&M) and
for proforma respondent Nos.4 and 5 (in FAO No.505 of 2014
(O&M)).

Mr.Rishi Lal, Advocate,
for the appellant (in FAO No. No.505 of 2014 (O&M) and
for proforma respondent No.4 (in FAO No.1432 of 2014
(O&M))

Mr.Sanjeev Goyal, Advocate, with
Mr.Sumeet Bajaj, General Manager Legal, and
Mr.Nitin Kumar, Manager Legal and
Mr.Gaurav Parashar, Deputy Manager Legal and
Mr.Amandeep Sharma, Legal Officer,
Shri Ram General Insurance Company Limited –
respondent No.3 (in both appeals).

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The matter has been discussed. It has been stated by learned
counsel for the appellants and the proforma respondents in both the appeals
that appellants – parents of the deceased in FAO No.1432 of 2014 (O&M)
and the appellant – Meenu widow of the deceased in FAO No.505 of 2014
(O&M) have filed a claim petition before the MACT bearing No.38 of 2012
and that the MACT had awarded compensation in favour of the appellants –
Smt.Giano Devi and Shri Krishan @ Kurriya (parents of the deceased) and
that no compensation was awarded by the MACT in favour of the appellant
– Smt.Meenu (widow of the deceased). Hence, two separate appeals have
been filed; one by the appellants – Giano Devi and Shri Krishan @ Kurriya
and another by appellant – Meenu. It has been further stated that now the
appellants have compromised the matter and that as per compromise,

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FAO No.1432 of 2014 (O&M) and the appellant – Meenu in appeal FAO No.505 of 2014 (O&M) are ready to accept ₹2,50,000/- over and above the amount of compensation already awarded by the MACT in full and final settlement of the claim in the aforesaid appeals. It has been further stated that the appellants in each appeal have agreed to accept the enhanced amount i.e. ₹2,50,000/- in the ratio of 50% i.e. ₹1,25,000/- to the appellants in appeal FAO No.1432 of 2014 (O&M) and ₹1,25,000/- to the appellant in appeal FAO No.505 of 2014 (O&M). It has been further stated that the compensation already awarded by the MACT has already been withdrawn by the appellants – Smt.Giano Devi and Shri Krishan @ Kurriya – parents and that the appellant – Meenu has also agreed that she will not dispute the disbursement of the said compensation to the appellants – Smt.Giano Devi and Shri Krishan @ Kurriya – parents.

Further, it has been stated by learned counsel and representatives of the Insurance Company that Insurance Company is ready to pay a sum of ₹2,50,000/- over and above the amount of compensation already awarded by the MACT in full and final settlement of the claim in both the above stated appeals.

Thus, as agreed, as per statements of learned counsel for the appellant(s)/proforma respondent(s), learned counsel and representative(s) of the respondent - Insurance Company, in both the appeals, (separately recorded), a sum of ₹2,50,000/- (₹ Two Lac Fifty Thousand Only) over and

above the amount awarded by the Tribunal is allowed to the appellants in

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**FAO No.1432 of 2014 (O&M) -3-
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And

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full and final settlement of the claim in this appeal.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit crossed – cheques i.e. one for ₹1,25,000/- in the name of the appellant – Meenu widow of Jagbir Singh; and two others for ₹62,500/- each (in total ₹1,25,000/-) in the names of appellant Nos.1 and 2 – Smt.Giano Devi wife of Shri Krishan and Shri Krishan @ Kurriya son of Shri Neki Ram with the office of the Lok Adalat of the High Court on or before 15.03.2018, 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 concerned Officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheque to learned counsel/representative of the respondent – Insurance Company. The appellant(s)' counsel/appellant (s) 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.

A copy of this order be placed on the file of connected appeal, FAO No.505 of 2014 (O&M).

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

22.01.2018
P.Seth

**(Ram Chand Gupta)
Member**