

FAO No.5135 of 2014

Balwan Singh and ors. Vs. Rakesh Kumar and ors.

Present: Mr.Chander Pal Tiwana, Advocate for the appellants.

Mr.Sanjeev Kodan, Advocate,
for respondent No.3 – Reliance Gen. Ins. Co. Ltd.

Mr.Vikas Mohan Gupta, Advocate, and
Mr.R.C.Kapoor, Advocate, with
Mr.Balwinder Singh, Regional Manager, and
Ms.Mamta Bansal, Deputy Manager,
United India Insurance Co. Ltd. - respondent No.5.

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There are two Insurance Companies i.e. Reliance General Insurance Company Limited – respondent No.3 and United India Insurance Company Limited – respondent No.5. As per finding of the MACT, liability of respondent No.3 – Reliance General Insurance Company Limited was held to the extent of 75% and that of respondent No.5 – United India Insurance Company Limited was held to the extent of 25% out of the total amount of compensation.

On 19.09.2017, on behalf of the appellants statement was made to accept ₹2,72,000/- over and above the amount already awarded by the Tribunal in full and final settlement of the claim in this appeal and on that day on behalf of respondent No.3 – Reliance General Insurance Company Limited, concurrence was given to pay ₹2,04,000/- i.e. 75% of the enhanced amount of its liability. Today, on behalf of respondent No.5 – United India Insurance Company Limited, concurrence has been given to pay ₹68,000/- i.e. 25% of the enhanced amount of its liability. Thus, a sum of ₹2,72,000/- (₹ Two Lac Seventy Two Thousand Only) is allowed to the appellants against the Insurance Companies in the ratio indicated above.

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Accordingly, we dispose of this case with a direction to the Insurance Companies to deposit crossed – cheques of the amount of their respective shares in the names of appellants No.1 to 3, in equal shares, with the office of the Lok Adalat of the High Court on or before 24.10.2017, 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 cheques to learned counsel/representatives of the respondents – Insurance Companies. 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.

(R.K.Nehru)
President

(Ram Chand Gupta)
Member

26.09.2017
P.Seth