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FAO No.5136 of 2014

Smt.Kelo Devi 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 ₹1,75,200/- 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 ₹1,31,250/- 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 ₹43,950/- i.e. 25% of the enhanced amount of its liability. Thus, a sum of ₹1,75,200/- (₹ One Lac Seventy Five Thousand Two Hundred Only) is allowed to the appellants against the Insurance Companies in the ratio indicated above.

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As per the statement of learned counsel for the appellants, the enhanced amount be paid to appellant No.1 – Smt.Kelo Devi wd/o Baldev Singh.

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 name of appellant No.1 – Smt.Kelo Devi wd/o Baldev Singh 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