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\$~R-232 & 232A

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

+ MAC.APP. 515/2010 & CM 13981/2010

IFFCO TOKIO GENERAL INSURANCE COMPANY
LIMITED

..... Appellant

Through: Ms. Suman Bagga, Advocate

versus

PHOOLWATI & ORS

..... Respondents

Through: Mr. R.K. Kohli, Advocate

+ MAC.APP. 957/2015

PHOOLWATI

..... Appellant

Through: Mr.R.K. Kohli, Advocate

versus

IFFCO TOKIO GENERAL INSURANCE COMPANY
LIMITED & ORS

..... Respondents

Through: Ms. Suman Bagga, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.09.2017

The learned counsel for Iffco Tokio General Insurance Company Ltd. (appellant in MACA 515/2010 and the first respondent in MACA 957/2015) submits, on instructions, that the insurance company is agreeable to settle the claim of Phoolwati (first respondent in MACA 515/2010 and the appellant in MACA MAC.APP. 515/2010 & 957/2015

page 1 of 3

5

957/2015), on account of the death of her son Dalbir Singh in a motor vehicular accident that occurred on 22.08.2004 due to the negligent driving of the car bearing registration no.DL-4C-AB-0735 in the amount of compensation to the extent of 75% of the award made by the tribunal by its judgment dated 28.05.2010 on accident claim case (no.456/2004), as already released to her in terms of interim order dated 06.08.2010 in CM no.13981/2010 in MACA 515/2010.

The learned counsel for Phoolwati / claimant, on the other hand, on instructions, similarly submits that the claimant is ready and willing to treat the amount already received by her in terms of order dated 06.08.2010 on CM 13981/2010 in MACA 515/2010 as the amount of compensation received by her to fully and finally satisfy her claim for compensation on account of the death of her son Dalbir Singh in the aforementioned accident.

In view of the above submissions jointly made by the counsel on both sides, no further directions or reliefs are sought by either side on these two connected appeals except for the prayer of the insurance company for refund of the balance amount deposited by it in terms of interim order dated 06.08.2010 and for refund of the statutory deposit.

The appeals and the pending application are disposed of in terms of the above mentioned joint statement representing amicable settlement of the claim. The amount already released to Phoolwati shall be treated as paid to her in full and final settlement of her claims. The balance in deposit shall be refunded with statutory

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deposit to the insurance company.


R.K. GAUBA, J

SEPTEMBER 20, 2017

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MAC.APP. 515/2010 & 957/2015

page 3 of 3