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FAO-1171-2005

SATYA DEVI & ORS. VS BHIM SINGH & ORS.

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Present: Mr. Saurabh Bhardwaj, Advocate and
Mr. Brijender Kaushik, Advocate for the appellants.

Mr. Vikas Sharma, Advocate for
Mr. R.K. Bashamboo, Advocate and
Mr. R.C. Kapoor, Advocate along with
Ms. Alka Singhal, Regional Manager,
Ms. Mamta Bansal, Dy. Manager and
for United India Insurance Co. Ltd.

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Balkishan husband of appellant No.1 died in a motor accident. The deceased at the time of death was 60 years as per postmortem report. Two claim petitions were filed seeking compensation for the death of Balkishan in a motor accident. One petition was filed by the widow and her son and daughter, whereas, the other petition was filed by the father of the deceased. At this stage, it also deserves to mention here that the widow and her children did not implead the father of the deceased as a party and similarly, the father did not implead the widow and children of the deceased as party to the claim petition filed by him. Both these petitions were consolidated and disposed of by order dated 12.10.2004 which order is subject matter of the present appeal.

The learned Tribunal after considering all aspects awarded a total compensation of Rs.3,46,400/- on account of death of Balkishan. Jagat Ram father of the deceased was awarded a sum of Rs.40,000/- whereas the rest of the amount was ordered to be paid to the widow and her children.

This appeal has been filed by the widow and two minor children without impleading the father of the deceased. The father of the deceased has not filed any appeal against the award.

The matter was discussed with learned counsel for the parties and learned counsel for the Insurance Company pointed out that as per the record of Insurance Company, no appeal has been preferred by the father of the deceased. It was also checked from the website of the High Court to find out if Jagat Ram has filed an appeal against the award. But there is nothing on the website which shows that he filed an appeal.

As agreed, as per statements of learned counsel for the appellant as well as counsel for the Insurance Company, separately recorded, a sum of Rs.2,20,000/- (Rupees Two Lakh Twenty Thousand Only) over and above the amount already awarded by the Tribunal is allowed to the appellant in full and final settlement of the claim. As per the statement of learned counsel for the appellant, the enhanced amount be paid to the appellant No.1- Satya Devi W /o Sh. Balkishan.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit cheque for Rs.2,20,000/- (Rupees Two Lakh Twenty Thousand Only) favouring appellant No.1- Satya Devi W /o Sh. Balkishan with the Office of the Lok Adalat of the High Court on or before 17.04.2018. Failing compliance of the order, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The appellant's counsel may collect the cheque from the office of the Lok Adalat after retaining the photocopy of the cheque/draft bearing signatures of the Counsel.

In view of the aforesaid circumstances, Jagat Ram, father of the deceased shall have no claim on the amount awarded to the appellant herein.

Appeal stands disposed of.

Copy of this order be supplied/sent to the counsel/parties and file be consigned to record.

(G.C. GARG)
PRESIDENT

(N.K. KAPOOR)
MEMBER

March 13, 2018

Nisha-II