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FAO-4339-2014

MANISH VS MADAN LAL BATRA & ORS

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Present: Mr. Sanjeev Kr. Aaryan, Advocate for the appellant.

Mr. Paul S. Saini, Advocate and
Mr. Naveen Kapur, Advocate along with
Mr. P. Sen, Dy. Manager and
Mr. Yogesh Kharbanda, Asstt. Manager
for National Insurance Co. Ltd.

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Manish-appellant, aged about 18-19 years, suffered injuries in a motor accident. The learned Tribunal awarded him a total compensation of Rs.70,000/-. Hence, this appeal at his instance.

Learned counsel appearing for the appellant submitted that the appellant remained admit in hospital on 2 occasions and he remained in-door patient for a period of one month and 25 days. He also suffered disability of 15% as per the disability certificate. Counsel specifically pointed out that the learned Tribunal erred in not considering the statement of Dr. Tilok Nath, who appeared as PW-5 as also the documents exhibits P-7 to P-10 produced by him regarding his treatment, operation and admission in Government Medical College and Hospital, Sector 32, Chandigarh.

In the above background, the matter was discussed with learned counsel for the Insurance Company as also the representatives of the Insurance Company. During discussion, a consensus was arrived at and as per the statements of the learned counsel for the parties. They arrived at a settlement and as per its statement the Insurance Company agreed to pay a sum of Rs.98,000/- over and above the amount already awarded by the MACT. Learned counsel appearing for the claimant also agreed to settle the matter at the above amount in full and final satisfaction of his claim.

In view of the above, we dispose of this case with a direction to the Insurance Company to deposit cheque for Rs.98,000/- (Rupees Ninety Eight Thousand Only) favouring appellant-Manish S/o Sh. Shiv

Dayal with the Office of the Lok Adalat of the High Court on or before 24.09.2018. 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.

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

(J.C.VERMA)
MEMBER

August 27, 2018

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