

FAO No.3274 of 2015

Smt. Pushpa and anr. Vs. Dharambir and ors.

Present: Mr.Rajesh Lamba, Advocate,
for the appellants.

Mr. D.P.Gupta, Advocate and
Mr. Sandeep Suri, Advocate, with
Mr. P.Sen, Deputy Manager, and
Mr. Deepak Malik, A.M.,
National Insurance Company Limited (**Hry. Region**).

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The matter has been discussed. Learned counsel for the appellants submits that for the purpose of compromise only in Lok Adalat and to avoid further litigation, the appellants would be satisfied if another sum of Rs.1,60,000/- (Rs. One Lakh Sixty Thousand only) over and above the amount already awarded by the MACT concerned is granted to them in full and final settlement of the claim in the present appeal. He further submits that this amount is agreeable after taking into consideration the contributory negligence to the extent of 25% on the part of the deceased as per the findings of the MACT concerned and in the eventuality, his clients would give up their claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT, which is 26.09.2013. Statement of learned counsel for the appellants has also been recorded separately to this effect.

This offer of Rs.1,60,000/- as demanded by the appellants has been accepted by the respondent – Insurance Company in full and final settlement of the claim of the claimants after taking into consideration of the contributory negligence of the deceased.

As agreed, as per statements of learned counsel for the

(separately recorded), a sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only) over and above the amount awarded by the Tribunal is allowed to the appellants in full and final settlement of the claim in this appeal.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit a crossed – cheque for Rs.1,60,000/- in the name of appellant No.1 – Pushpa widow of Late Raj Singh with the office of the Lok Adalat of the High Court on or before 17.09.2018, 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 cheque to learned counsel/representative of the respondent – Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheque 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

(K.C.Gupta)
Member

13.08.2018
adhikari