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FAO No. 4698 of 2017

Babita Rani @ Bavita and others vs. Sintu @ Lahori and others

Present: Mr. Vipul Sharma, Advocate &
Mr. Nitin Mittal, Advocate for the appellants

Mr. R.C.Kapoor, Advocate with
Ms. Alka Singhal, Regional Manager &
Ms. Mamta Bansal, Dy. Manager for
United India Insurance Co. Ltd.

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On the last date of hearing, learned counsel representing the appellants delivered school leaving certificate and Aadhaar card of the deceased Dal Singh showing his age as 38 years (date of birth 3.1.1978) on the date of his death and on that basis claimants are entitled to 40% future prospects in view of the judgment of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi dated 31.10.2017 in SLP(C) No.025590 of 2014* and *Shri Nagar Mal and ors. vs. The Oriental Insurance Company Ltd. and ors.* in C.A. No. 448 of 2018 decided on 19.1.2018. Learned counsel representing the Insurance Company sought time to verify the stand of the appellants and for that reason copies of the documents relied upon by the appellants were supplied to the Insurance Company. Age of the deceased has been verified as per the school leaving certificate.

The factual position submitted by learned counsel representing the appellants and stated in the documents has not been disputed by the counsel representing the Insurance Company.

As agreed, as per statements of the representatives of the Insurance Company and counsel for the appellants, (separately recorded today), a sum of ₹ 2,50,500/- (Rs. Two Lakh Fifty Thousand and Five

Hundred Only) more, 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. As per the statement of learned counsel for the appellants the enhanced amount would be paid to appellant No.1-Babita Rani @ Bavita.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of ₹ 2,50,500/- in the name of appellant No.1-Babita Rani @ Bavita wd/o Sh. Dal Singh with the office of the Lok Adalat of the High Court on or before 15.5.2018 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellants' counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(R.C. Kathuria)
President

(H.C. Modi)
Member

17.04.2018
Janki