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FAO-4283-2007

YOGESH VOHRA V/S SURJIT SINGH & ANR.

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Present: Mr. Surmukh Singh, Advocate for the appellant.

Mr. RC Gupta, Advocate,
Mr. Amit Kundra, Advocate and
Mr. Harsh Aggarwal, Advocate along with
Ms. Mamta Bansal, Dy. Manager and
Ms. Shashi Saini, Dy. Manager, United India Ins. Co.

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Appellant, herein, suffered injuries in a motor accident. The learned tribunal vide its award dated January 01, 2006 awarded a compensation of Rs.1,03,000/- to the claimant.

Two appeals were preferred against the award of the tribunal; one by the claimant, which was registered as FAO No.4283 of 2007 titled Yogesh Vohra Vs. Surjit Singh & Anr. and the other appeal was filed by the United India Insurance Company Limited and the said appeal was registered as FAO No.1374 of 2007. The appeal was filed by the Insurance Company apparently on the ground that there was a complete denial of the accident and the claim being collusion with the owner of the vehicle. Unfortunately, both the appeals could not be clubbed together and the appeals preferred by the Insurance Company came up for final disposal before the Hon'ble Mr. Justice K. Kanan, as his lordship then was. The said appeal was allowed and the award of the learned tribunal was set aside vide order dated 26.08.2010.

The appeal preferred by the claimant was listed before the Lok Adalat and a proposal was drawn on May 06, 2019 for enhancement of compensation in the sum of Rs.90,000/-. Learned counsel appearing for the Insurance Company along with the representatives of the Company, today pointed out that the appeal preferred by the claimant deserves to be dismissed as the award of the learned tribunal has already been set aside by this Court vide order dated 26.08.2010 passed in FAO No.1374 of 2007. A copy of that order has been produced by the learned counsel for the Insurance Company and the same is taken on record.

505

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Faced with the above situation, learned counsel appearing for the claimant submitted that in view of the earlier order of this Court dated 26.08.2010, this appeal be dismissed as not pressed.

We order accordingly.

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER**

May 21, 2019

NainaRajput