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FAO No. 1398 of 2011

Sarabjit Kaur and others vs. Parbinder Singh and others

Present: Mr. Ashok Jindal, Advocate
for the appellants

Mr. Vinod Gupta, Advocate &
Mr. R.C.Gupta, Advocate with
Mr. Nawang Tamba, Manager &
Mr. Vishal Malhotra, A.O. for
New India Assurance Co. Ltd.

Mr. Rajneesh Malhotra, Advocate for
Cholamandalam MS General Insurance Co. Ltd.

* * * *

In this appeal the liability to pay the claim amount has been fastened upon two Insurance Companies i.e. New India Assurance Co. Ltd. and Cholamandalam MS General Insurance Co. Ltd. to the extent of 50% each.

The matter has been discussed with learned counsel/ representatives of the Insurance Companies.

Learned counsel for the appellants contends that deceased though was skilled worker but learned MACT has fallen in error in taking the monthly wages to be ₹ 3,000/- p.m. It has also been contended that appropriate amount has not been awarded under the conventional heads. He contends that though the enhancement comes to more than ₹ 50,000/-, but the appellants would be satisfied if another sum of ₹ 40,000/- (to be shared equally by both the Insurance Companies i.e. New

India Assurance Co. Ltd. and *Cholamandalam MS General Insurance Co. Ltd.*) more, over and above, the amount already awarded by the MACT concerned, is granted to the appellants in full and final satisfaction of the claim in the present appeal and in that eventuality the appellants would give up their claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT which is 30.9.2009 i.e. for more than 9 years.

To us, this offer seems to be just, reasonable and equitable in the facts and circumstances of the case.

Learned counsel for the Insurance Companies have agreed to this offer of learned counsel for the appellants.

As agreed, as per statements of the representatives of the Insurance Companies and counsel for the appellants, (separately recorded today), a sum of ₹ 40,000/- (Rs. Forty Thousand 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-Sarabjit Kaur.

We dispose of this case with a direction to both the Insurance Companies i.e. *New India Assurance Co. Ltd.* and *Cholamandalam MS General Insurance Co. Ltd.* to deposit a crossed-cheque in the sum of ₹ 20,000/- each in the name of appellant No.1-Sarabjit Kaur wd/o Sh. Harbans Singh with the office of the Lok Adalat of the High Court on or before 25.04.2019 failing which the amount will carry 9% interest p.a. from the date of this order till the cheques are deposited with the office of the Lok Adalat. The appellants' counsel/appellant may collect the cheques 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.

(J. C. Verma)
President

(Arvind Kumar)
Member

28.02.2019
Janki