

FAO NO.1381 OF 2018

506/1

WITH XOBJC-160-CII-2018

NEW INDIA ASS. CO. LTD. V/S RAMESH KUMAR & ANR.

Present: Mr. Vinod Gupta, Advocate with
Ms. Pushpa Bhardwaj, Manager and
Ms. Shaifali Loi, Assistant Manager,
New India Ass. Co. Ltd.

Mr. Ashit Malik, Advocate and
Mr. Saggar Aggarwal, Advocate
for the Claimants-Cross Objectors.

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Ramesh Kumar suffered injuries in a motor accident. He filed a claim petition under Section 166 of the Motor Vehicles Act seeking compensation. The said petition was registered as MACT Case No.42 of 2016. This was clubbed with another case, which was registered as MACT Case No.43 of 2016 as both the matters arose out of the same accident.

In the claim petition filed by Ramesh Kumar, the learned tribunal awarded a total compensation of Rs.7,84,000/- for the injuries sustained by him in the accident.

The Insurance Company preferred the present appeal challenging the award of the MACT in the claim petition filed by Ramesh Kumar and this appeal was registered as FAO No.1381 of 2018. This Court while issuing notice of motion stayed the execution of the award subject to the deposit of Rs.7,00,000/- with interest as awarded by the tribunal within 06 weeks with a further direction that the amount deposited shall be disbursed to the claimant as per the amount awarded on furnishing adequate surety to abide by further order that may be passed in this appeal.

Ramesh Kumar filed cross objections in this appeal seeking enhancement of compensation for the injuries sustained by him.

This order will dispose of the appeal preferred by the Insurance Company as also the cross objections filed by the claimant. It has been agreed amongst the Insurance Company and the claimant that the amount of Rs.7,00,000/- with interest, if any, be disbursed to the claimant-Ramesh Kumar and that the Insurance Company need not deposit any balance amount awarded by the learned tribunal and that the claimants besides the interest, if any would be entitled to another sum of Rs.2,50,000/- by way of enhancement of the compensation, which amount also includes the amount of compensation in the sum of Rs.84,000/-, which was not deposited by the Insurance Company as per the award. It is, thus, finally agreed that the enhanced amount of Rs.2,50,000/- be paid to Ramesh Kumar by this Court by way of cheque/demand draft favouring Ramesh Kumar and that he would also be entitled to withdraw the amount of Rs.7,00,000/- deposited by the Insurance Company along with interest, if any without furnishing any surety, if not already withdrawn.

Statements of the parties have been recorded and are placed on record.

In this view of the matter, the appeal and the cross objections are disposed of having been settled and the learned tribunal is directed to release the amount of Rs.7,00,000/-

besides interest, if any already deposited by the Insurance Company to the claimant without surety.

The Insurance Company will deposit a cheque in the sum of Rs.2,50,000/- favouring claimant-Ramesh Kumar S/o Sh. Subhash with the office of the Lok Adalat in the High Court within 06 weeks from today. Failing compliance of the order, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The claimant's counsel may collect the cheque/draft from the office of the Lok Adalat. The office shall retain the photocopy of the cheque/draft bearing signatures of the Counsel.

This disposes of the appeal filed by the Insurance Company as well as cross objections filed by the claimant.

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

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

May 12, 2022
NainaRajput