

FAO-7298 of 2017 (O&M)

Bajaj Allianz General Insurance Company Limited
Vs.
Rohtash and others

Present:- Mr. Punit Jain, Advocate
for the appellant.

Mr. Vijay Singh Kajla, Advocate
for respondents No.1 to 4.

Mr. Chand Ram, Advocate
for respondent No.5.

Ravinder alias Ravi aged about 13 years died in a motor vehicular accident that had taken place on 10.09.2013. His parents and two sisters (claimants) have filed a claim petition under Section 166 of the Motor Vehicle Act, 1988 for grant of compensation. Learned MACT, Hisar vide order dated 23.08.2017 awarded a total compensation of Rs.6,45,000/- in favour of the claimants.

The Insurance Company has filed the present appeal on the ground that it was a case of contributory negligence and the compensation is on the higher side.

While issuing notice of motion, this Hon'ble Court stayed the recovery of compensation beyond Rs.2,30,000/- vide order dated 09.11.2017.

During the pendency of the appeal, Insurance Company has filed an application that the matter has been settled between the claimants for an amount of Rs.5,80,000/- as lumpsum as full and final settlement, without any further interest or costs, to the claimants (respondents No.1 to 4) for the death of said Ravinder @ Ravi.

Mr. Vijay Singh Kajla, Advocate for the claimants-respondents No.1 to 4 and two claimants, namely, Rohtash (father) and Poonam (sister) are present before this Forum and have endorsed the settlement of Rs.5,80,000/- and disposal of the appeal on the basis of the said settlement.

In view of the said settlement and statements made, the present appeal is disposed of with a direction to the Insurance Company to deposit a crossed cheque in the office of Lok Adalat on or before 10.02.2020. The amount be paid to the claimants proportionately as awarded by the learned Tribunal, however, in cash, except in case of minor Sapna.

The amount of Rs.25,000/- deposited by the appellant-Insurance Company at the time of filing of the appeal in the Registry of this Hon'ble Court, be refunded to it.

(J.C. Verma)
President

(Arvind Kumar)
Member

12.12.2019
Atul