

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

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Sonu aged about 24 years died in a motor accident. Claim petition was filed by the parents and a younger brother besides proforma respondents 3 & 4 in this appeal. The learned tribunal awarded a total compensation of Rs.23,75,000/-. It is against this award of the learned MACT that the present appeal has been preferred by the Insurance Company. It has been numbered as FAO No.1309 of 2018. This Court while issuing notice of motion stayed the execution of the award subject to deposit of 75% of the awarded amount with interest as granted by the tribunal within 06 weeks. It was further ordered that in the event of the amount being deposited, the same be released to the claimants on furnishing adequate surety to abide by any further order that may be passed in this appeal.

It is not disputed that the Insurance Company deposited 75% of the awarded amount in compliance of the order dated March 7th, 2018 passed by this Court and it is stated that the same is lying deposited with the tribunal as the claimants/performa respondents were unable to furnish surety for the release thereof. The claimants/performa respondents as also the Insurance Company have arrived at a settlement

whereby it has been agreed that the claimants/performa respondents be awarded another sum of Rs.1,25,000/- including interest as against the amount of 25% which was stayed by this court, meaning thereby that the Insurance Company need not deposit the balance amount, which it has not deposited as per the High Court order and against that, only a sum of Rs.1,25,000/- is to be paid to the claimants/performa respondents over & above the amount already deposited by the Insurance Company. The statements of the learned counsel for the parties in that behalf have been recorded separately and are placed on record.

In this view of the matter, this appeal is disposed of and the amount of Rs.1,25,000/- be paid to respondent-claimant No.1 for & on behalf of all the claimants/performa respondents in full & final satisfaction of their claim and the Insurance Company need not deposit the balance 25% of the awarded amount with the MACT, which has been stayed by this Court and the amount deposited by the Insurance Company with interest, if any be disbursed to the claimants/performa respondents as per the ratio already determined by the learned MACT without insisting upon the surety for the disbursement thereof as the said amount could not be got released by the claimants/performa respondents being unable to furnish surety.

In view of the compromise arrived at between the parties, the Insurance Company will deposit a cheque in the sum of Rs.1,25,000/- favouring respondent-claimant No.1 with the office of the Lok Adalat in the High Court within 06 weeks from

the date of this order. Failing compliance of the order, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The claimants' 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. The balance 75% of the awarded amount already deposited with interest, if any, with the learned MACT shall be disbursed by it to the claimants/performa respondents in the ratio as determined by it.

This disposes of the appeal finally as per the statements of the learned counsel for the parties, recorded separately.

(G.C. GARG)
PRESIDENT

(N.K. KAPOOR)
MEMBER

May 12, 2022
NainaRajput