

Smt.Darshana Devi and ors. Vs. Jagdish and ors.

Present: Mr.T.C.Dhanwal, Advocate,
for the appellants.

Ms.Vandana Malhotra, Advocate, with
Mr.Yatin Sachdeva, A.M., and
Mr.Sumit Raval. A.O.,
Oriental Insurance Company Limited.

* * * *

Vide order dated 05.02.2020, on behalf of the appellants, proposal was made to enhance compensation by ₹4,00,000/- over and above the amount awarded by the MACT in full and final settlement of the claim in this appeal and the matter was adjourned for concurrence of the respondent - Insurance Company.

Today, learned counsel for the respondent – Insurance Company states that Company is agreeable to pay only an amount of ₹3,60,000/- and not ₹4,00,000/- over and above the amount awarded by the MACT. This counter-offer of ₹3,60,000/- has been accepted by learned counsel for the appellants, who has signed the statement.

Thus, as agreed, as per statements of learned counsel for the appellants and learned counsel for the respondent – Insurance Company (separately recorded), a sum of ₹3,60,000/- (₹ Three Lac Sixty Thousand Only) 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. This is subject to all just exceptions available in favour of the respondent – Insurance Company. As per the statement of learned counsel for the appellants, the enhanced amount be paid to appellant No.1 – Smt.Darshana

Devi wife of late Sh.Kishan Kumar.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit a crossed – cheque for ₹3,60,000/- in the name of appellant No.1 - Smt.Darshana Devi wife of late Sh.Kishan Kumar with the office of the Lok Adalat of the High Court on or before 15.04.2020, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The concerned Officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheque to learned counsel/representative of the respondent – Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the Hon'ble High Court.

(R.K.Nehru)
President

(Ram Chand Gupta)
Member

26.02.2020
P.Seth