

502 FAO NO.5392 OF 2008
SMT. JASMERO DEVI & ANR. V/S MAHINDER
SINGH & ORS.

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Present: Mr. R.S. Mamli, Advocate
for the appellants.

Mr. Sunil Kumar, District Attorney,
Advocate General Haryana

Mr. Sanjay Rawal, Traffic Manager
and Mr. Surender Kumar, Clerk,
Haryana Roadways, Yamunanagar in person.

Mr. Rajneesh Malhotra, Advocate
for ICICI Lombard General Insurance Company
Limited

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Son of the appellants died in a motor accident. He
was aged about 21 years at the time of accident. Learned
tribunal awarded a total compensation of Rs.3,62,500/-.
Hence, this appeal.

Learned counsel appearing for the claimants
submitted that the claimants will feel satisfied if they are
awarded another sum of Rs.1,50,000/- over & above the
amount already awarded by the MACT and the entire
enhanced amount be paid to appellant No.1-Smt. Jasmero
Devi W/o Som Nath, in full & final satisfaction of the claim.

Mr. Rajneesh Malhotra, learned counsel appearing
for the Insurance Company submits that the proposal as
noticed above is acceptable to the Insurance Company but as

per the policy documents, the liability of the Insurance Company is limited to Rs.5,00,000/- and the balance amount is payable by the Haryana Roadways, Yamunanagar Depot. Mr. Sunil Rawal, Traffic Manager has put in appearance on behalf of the Haryana Roadways, Yamunanagar in response to the notice and he accepts the contention of Mr. Rajneesh Malhotra, Advocate that the liability beyond Rs.5,00,000/- is of the Haryana Roadways and the claim as made and noticed above is acceptable to the Haryana Roadways and so, the amount of liability be bifurcated in terms of the statement made by Mr. Rajneesh Malhotra, Advocate for the Insurance Company.

In view of the above and in view of the statements of the learned counsel for the parties, recorded separately, this appeal is disposed of having been settled through a compromise. The Insurance Company has already discharged its liability in respect of the amount awarded by the learned MACT in the sum of Rs.3,62,500/-. Hence, the Insurance Company now will deposit an amount of Rs.1,37,500/- with the MACT, Yamunanagar and the balance amount of Rs.12,500/- shall be deposited with the MACT, Yamunanagar by Haryana Roadways within a period of two months from today, failing which, the respective amount will carry interest @ 9% and the learned tribunal shall disburse the amount in accordance with law to the claimants.

The appeal stands disposed of.

Copy of this order be supplied to the parties/learned counsel for the parties.

(G.C. GARG)
PRESIDENT

(N.K. KAPOOR)
MEMBER

February 19, 2020
NainaRajput