

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.49 of 2017

Reliance General Insurance Co. Ltd.

... .. Appellant/s

Versus

1. Phulmanti Devi and Ors W/o Late Sakendra Manjhi @ Sikendra Manjhi,
2. Kuleshwar Manjhi, S/o Late Mangar Manjhi,
3. Sonu, S/o Late Sakendra Manjhi @ Sikendra Manjhi,
4. Sunny Deol, S/o Late Sakendra Manjhi @ Sikendra Manjhi,
5. Lakshmi, D/o Late Sakendra Manjhi @ Sikendra Manjhi, Respondent no.3 to 5 are minor under the guardianship of All resident of Village- Kobwa, P.S.- Wazirganj, District- Gaya Bihar.
6. Md. Wasimuddin, S/o Md. Alimuddin, Resident of Village- Bhaga no.-4, P.S.- Jharia, District- Dhanbad present C/o Shakil Ahmad, S/o Abuzal Nacim, At- H.No.74, Abgila, PO- Buniyadganj, District- Gaya Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar @ Alok Kr Shahi
For the Respondent No.1: Mr. Rabindra Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 27-04-2021 The present appeal has been filed against the order dated 25.7.2016 passed by the learned court of Additional District Judge-VII cum M.A.C.T., Gaya in Claim Case No. 8 of 2016/ 48 of 2015, whereby and whereunder the learned Tribunal has allowed the claim of the claimant and directed the appellant herein to pay a sum of Rs. 12,00,148/- along with simple interest @ 8% per annum.

At the outset, the learned counsel for the appellant Shri Alok Kumar Shahi, submits that a compromise has been entered into between the respondent no.1 herein i.e. the original



claimant and it has been agreed that a sum of Rs. 13, 00,000/- shall be paid to the respondent no.1 in full and final settlement.

Shri Rabindra Kumar Sinha has appeared for the claimant respondent no.1 herein and submits that the claimant has got no objection to the aforesaid proposal of the appellant company.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that since the matter has been settled amicably between the parties and the appellant company has agreed to pay a sum of Rs. 13, 00,000/- in full and final settlement to the respondent no.1 i.e. the claimant herein, which has also been accepted by the claimant- respondent no.1 herein, nothing survives for adjudication, hence the present appeal stands disposed of as not pressed, however, with a direction to the appellant company to pay the aforesaid sum of Rs. 13,00,000/-, within a period of eight weeks from today, to the claimant- respondent no.1 herein by means of a cheque drawn in favour of the respondent no.1, to be handed over to the respondent no.1 at her residential address.

At this juncture, the learned counsel for the appellant-company submits that the statutory amount of Rs. 25,000/-, deposited by the appellant company at the time of



filing of the present appeal, be refunded to the appellant company in view of the fact that the matter has been amicably settled amongst the parties.

This Court directs that as and when an application is made for refund of the aforesaid amount of Rs. 25,000/-, deposited by the appellant- company before this Court, the registry of this Court shall process the same in accordance with law and the rules prevailing, regarding the same.

(Mohit Kumar Shah, J)

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