

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 54 of 2021

1. Smt. Neera Bai Pandro, Wd/o Late Shankar Singh, Aged About 50 Years.
2. Jay Narayan, S/o Late Shankar Singh, Aged About 30 Years.
3. Ramdil, S/o Late Shankar Singh, Aged About 27 Years.
4. Ramkumar, S/o Late Shankar Singh, Aged About 24 Years.

All are R/o Village Makhanpur, P.S. and Tahsil- Pali, District- Korba (C.G.)

--- Petitioners

Versus

1. Shyam Bihari Yadav, S/o Ramdhni Yadav, Aged About 31 Years, R/o Village Godari, District- Rohtas (Bihar) Present Address Shantinagar Bankimongara, P.S. Bankimongara, District- Korba (C.G.) (Driver)
2. Smt. Savita Devi, W/o Abhishek Singh Yadav, R/o Ward No. 2 Bankimongara, P.S. Bankimongara, District- Korba (C.G.) (Owner)
3. The New India Assurance Co. Ltd. Through Branch Manager Sada Complex Transport Nagar Korba, District- Korba (C.G.) (Insurance)

--- Respondents

For Petitioners : Mr. Pravin Kumar Tulsyan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04/03/2021

1. This writ petition has been brought under Article 227 of the Constitution of India, seeking indulgence of this Court to interfere with the award passed by the National Lok Adalat/ Second Additional Motor Accident Claims Tribunal, Katghora, District-Korba (C.G.) in Claim Case No. 81/2019 dated 14.12.2019.
2. It is submitted by learned counsel for the petitioners, that the petitioners are claimants in the Claim Case No. 81/2019. The matter was compromised between the petitioners and respondent No. 3 on condition that respondent No. 3 shall make payment of Rs. 6,50,000/- as compensation to the petitioners jointly. In the award passed, the learned National Lok Adalat has ordered that, petitioner No. 2, 3 & 4 are sons of the deceased and they are also major, therefore, there is no requirement for payment or any compensation to them and all the amount of the award, has been granted in favour of petitioner No. 1. It is further submitted that the award in the National Lok Adalat should have been passed strictly in accordance with the conditions agreed by the parties and the National Lok Adalat had no authority to make any modification in the same. Hence, the impugned order suffers from infirmity, which is liable to be quashed.
3. Considered on the submissions. After perusing the docket of compromise filed in the record of the Claim Case No. 81/2019, as per the conditions agreed between the petitioners and respondent No. 3, I am of this view that the modification that has been made in the impugned order, was against the spirit of the compromise and settlement under the law. Hence, this writ

petition is allowed. The modification in the impugned order regarding disbursement of the amount only to petitioner No. 1 is hereby quashed and now, it is ordered that the compensation amount that has been awarded on the basis of compromise, shall be distributed between all the claimants/ petitioners. Ratio of share in compensation shall be according to dependency i.e. petitioner No. 1 shall have larger share compared to other petitioners.

4. The learned Second Additional Motor Accident Claims Tribunal, Katghora, District- Korba (C.G.), is directed to comply with this order within a period of one month from the date, this order is passed.
5. In view of the above, the instant writ petition stands disposed of at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge