

National Lok Adalat (through Video Conferencing)

578

FAO-4226-2004

SMT SUHAG RANI Vs. PUNEET KUMAR MEHTA

Present: Mr. Satinder Khanna, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate alongwith
Mr. Vipul Sharma, Advocate for
Mr. Paul S Saini, Advocate,
for National Insurance Company Limited-respondent No.3.

* * * *

Instant appeal has been filed by the appellant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Ludhiana vide its award dated 08.03.2004, to the tune of Rs. 70,000/- along with interest @ 8% p.a. from the date of filing of the claim petition till realization.

It has been brought to the notice of this Bench that the matter has been amicably settled. Statement of both the parties/counsels have been recorded separately which is taken on record as mark 'A' and 'B', respectively.

A perusal of the statements would show that the appellant as well as respondent-Insurance Company have amicably settled the matter by stating that an amount of Rs.1,00,000/- (Rupees One Lakh only) over and above the amount already awarded by the Motor Accident Claims Tribunal, Ludhiana will be paid as full and final settlement by the Insurance Company to the appellant.

Learned counsel appearing for respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant (as agreed) within a period of 45 days from today, failing which interest @ 9 % p.a. shall follow from the date of the settlement before the Lok Adalat till the date of payment.

It is further stated that a cheque amounting to Rs.1,00,000/- in the name of the appellant will be deposited with the office of the Lok Adalat on or before 25.01.2022, failing which interest @ 9% p.a. shall accrue on the said amount from the date of this order, till its realization.

Learned counsel for the appellant submits that in view of the consent/statement and the affidavit dated 10.12.2021 of the appellant-Suhag Rani widow of Sh. Prem Chand, the same be acted upon and settlement be recorded. It is further submitted that the appellant is 84 years of age and is currently bed ridden. As per her request made in the aforesaid affidavit, the settlement amount of Rs.1,00,000/- (Rupees One Lakh Only) be sent to her by way of Demand Draft to her registered address through Registered Post. The address specified in the affidavit is House No.100, Ward No.8, Doraha, District Ludhiana. Affidavit dated 10.12.2021 is taken on record and mark 'C'.

A perusal of the address given in the Memo of Parties, at the time of institution of appeal in the year 2004, is not any different from the one in the affidavit. The aforesaid prayer of the appellant is agreed to by the learned counsel for the Insurance Company. In view of the same, the Lok Adalat office is directed to ensure remittance of the Demand Draft/Cheque (payable at par) to the appellant on the aforesaid address through Registered Post/Speed Post.

In view of the above, we are of the considered opinion that the settlement is genuine and *bona fide* and in the best interest of the litigating parties.

Accordingly, instant appeal is disposed of as having been amicably settled. The settlement shall be treated as part and parcel of the award and the impugned award passed by the learned Motor Accident Claims Tribunal, Ludhiana stands modified as indicated above. The parties will be bound by the said settlement.

The concerned officer of the Lok Adalat Branch/Office shall

issue proper receipt after receiving the Cheque/Demand Draft to learned counsel for the respondent-Insurance Company and send the same to the appellant, as recorded herein before.

As the main appeal has been disposed of, no separate order needs to be passed in the pending application(s), if any.

(VIKAS SURI)
President

(PAWAN KUMAR MUTNEJA)
Member

11.12.2021
Kapil