

Bi-Monthly Lok Adalat through Video Conferencing

557(2)

FAO No.1891 of 2021

Cholamandlam MS General Insurance Company Ltd Vs. Rajesh and others

Present: Mr. Punit Jain, Advocate, with
Mr. Pardeep Pathak, Deputy Manager,
for Cholamandlam MS General Insurance Company Limited.

Mr. Sagar Anand, Advocate
for the claimant-respondent Nos.1 to 4.

* * * *

Instant appeal has been filed by appellant-Insurance Company seeking modification of the award dated 15.04.2021 vide which the learned **Motor Accident Claims Tribunal, Sonipat**, has awarded compensation to the tune of **₹13,91,300/-** alongwith interest @ 9% per annum from the date of filing of the claim petition till realisation.

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

A perusal of the statements would show that the claimants-respondents as well as the appellant-Insurance Company have amicably settled the matter by stating that an amount of **₹16,10,000/-** as full and final settlement will be paid by the Insurance Company to the claimant-respondent No.1 & 2. (dependent of the deceased).

Learned counsel appearing for appellant-Insurance company has further stated that the said amount would be paid by the **Insurance Company** to respondent Nos.1&2-claimants within a period of 45 days from today, failing which the 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 two respective cheques amounting to **₹16,10,000/-** in the name of the **respondent Nos.1&2/claimants** (as apportioned by the Tribunal i.e. 30% to Rajesh and 70% to Ankit) will be deposited with the office of the Lok Adalat of this High Court on or before 03.01.2022, failing which the interest @ 9% p.a. shall accrue on the said amount from the date of this order,

till its realization.

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 off 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, Sonipat 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 appellant-Insurance Company. The respondent Nos.1&2-claimants/counsel for the respondents-claimants may collect the said cheque from the office of the Lok Adalat.

Registry of this Court is directed to remit the statutory amount of ₹25,000/- deposited vide Bank Draft No.250466 dated 28.06.2021, at the time of filing the present appeal, to the appellant-Insurance Company.

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

(VIKAS SURI)
President

(PAWAN KUMAR MUTNEJA)
Member

20.11.2021
Kapil