

National Lok Adalat through Video Conferencing

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**FAO No. 3950 of 2010 &
XOBJC-78-CII-2010 &
XOBJC-116-CII-2014**

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.

Vs.

POOJA GOSWAMI AND OTHERS

Present: Mr. Subhash Goyal, Advocate
for the appellant.

Mr. Dhruv Chowfla, Advocate for
Mr. Sidharath Batra, Advocate
for respondent Nos.1 and 2.

Mr. Rajiv Kataria, Advocate
for Cross-Objector/respondent Nos.3 and 4.

* * * *

Instant appeal has been filed by the appellant seeking modification of the compensation awarded by the learned Motor Accident Claims Tribunal, Rohtak vide its award dated 24.05.2010, to the tune of Rs.38,50,000/- along with interest @ 7 % 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. 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 appellant as well as respondents have amicably settled the matter by stating that an amount of Rs.7,00,000/- (Rupees Seven lakhs only) over and above the amount already awarded by the Motor Accident Claims Tribunal, Rohtak will be paid as full and final settlement by the Insurance Company to respondent Nos.1 & 2.

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 (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.

Learned counsel for the Insurance Company further states that in view of the above settlement, the Insurance Company has also waived its recovery right against respondent Nos.3 and 4 i.e. driver and owner of the vehicle bearing No.HR-38G/3377 and as such nothing would be recovered from the said respondents. Learned counsel for respondent Nos.3 and 4 submits that in view of the aforesaid statement, Cross Objections bearing No.116-CII-2014 would not survive and as such be deemed to be settled in terms of the statement on behalf of the Insurance Company.

Learned counsel appearing for respondent Nos.1 and 2 states that in view of the settlement in the main appeal, Cross Objections bearing No.78-CII-2010 do not survive and the subject matter thereof be deemed to be settled along with the main appeal in the same terms.

It is further stated that two respective cheques total amounting to Rs.7,00,000/- in the name of the respondent Nos.1 and 2 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.

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, Rohtak 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 respondents counsel/respondent(s) may collect the cheque from the office of the Lok Adalat.

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