

Bi-Monthly Lok Adalat (Through Video Conferencing)

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FAO-1034-2017

KAUSHALYA DEVI & ORS VS RAJINDER & ANR

Present: Mr. Amardeep Hooda, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate for
respondent No.2-National Insurance Co. Ltd.

* * * *

Instant appeal has been filed by the appellants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Sonapat, vide its award dated 12.08.2016, to the tune of ₹8,01,000/- along with interest @ 7.5% per annum 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 appellants as well as respondent-Insurance Company have amicably settled the matter by stating that total amount of ₹1,80,000/- (Rupees One Lakh Eighty Thousand Only) over and above the amount already awarded by the Motor Accident Claims Tribunal, Sonapat, will be paid as full and final settlement by the Insurance Company to the appellant No.1-Kaushalya Devi, appellant No.4 - Monu and appellant No.5 - Vicky.

Learned counsel appearing for respondent-Insurance company has further stated that the said amount would be paid by the Insurance Company to appellant No.1-Kaushalya Devi, appellant No.4 - Monu and appellant No.5 -Vicky (in equal shares as apportioned by the Tribunal) 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 respective three cheques total amounting to ₹1,80,000/- in the names of appellant No.1-Kaushalya Devi, appellant No.4- Monu and appellant No.5 -Vicky 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, Sonapat 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. The appellants' counsel/appellant No.1 may collect the said cheques from the office of the Lok Adalat.

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
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