

National Lok Adalat through Video Conferencing

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FAO-4627-2017

JAI PAL Vs. RAJESH KUMAR AND ORS

Present: Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Nigam Bhardwaj, Advocate with
Mr. Dushyant, Manager (Legal)
for Insurance Company Ltd.

* * * *

Instant appeal has been filed by the appellant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Karnal vide its award dated 06.01.2017, to the tune of Rs.1,23,200/- along with interest @ 9 % 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 respondent-Insurance Company have amicably settled the matter by stating that an amount of Rs.91,000/- (Rupees Ninety One Thousand only) over and above the amount already awarded by the Motor Accident Claims Tribunal, Karnal 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 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.91,000/- 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.

The parties have further agreed that the connected appeal bearing FAO-3023-2017 titled **Jai Pal Vs. Rajesh Kumar and others** be dismissed as withdrawn as the claim therein has also been settled in the instant appeal/settlement.

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, Karnal 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 appellant counsel/appellant(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