

\$~8 & 12

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment delivered on: 10.11.2021

+ MAC.APP. 217/2021

VIJAY ALIAS CHHOTIYA LAL Appellant

versus

KRISHAN KUMAR AND ORS Respondents

+ MAC.APP. 548/2018 & CM APPL. 32038/2021

M/S THE UNITED INDIA INSURANCE CO LTD.. Appellant

versus

VIJAY @ CHHOTIYA LAL & ORS Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Pankaj Gupta, Advocate for appellant in MAC.APP.217/2021 and respondent No.1 in MAC.APP.548/2018.

For the Respondent: Mr. Sankar N.Sinha, Advocate along with Ms. Aparajita Mukherjee, Deputy Manager for appellant in MAC.APP.548/2018.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. MAC.APP.548/2018 is an appeal by the Insurance Company

MAC.APP.217/2021 and 548/2018

Signature Not Verified

Digitally Signed By: HUNAL
MAGGU
Signing Date: 11.11.2021 08:32:16
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed 1
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 10.11.2021
21:11

impugning the award dated 13.10.2017 read with order dated 05.02.2018 whereby the claim petition under Section 166 and 140 of the Motor Vehicles Act was allowed and compensation awarded to Mr. Vijay @ Chhotiya Lal who was the injured in the accident.

3. MAC.APP.217/2021 has been filed by Vijay @ Chhotiya Lal seeking enhancement of the awarded amount.

4. On the request of the parties matters were referred to the Permanent Lok Adalat for the purposes of exploring the possibility of a settlement.

5. Learned counsel appearing for the claimant as well as Mr. S.N.Sinha, Advocate appearing for the Insurance Company under instructions from Ms. Aparajita Mukherjee, Deputy Manager submits that the disputes have been settled in Pre Lok Adalat and an enhancement has been agreed to. It is contended that over and above the awarded amount by the impugned award the insurance company has agreed to pay a consolidated sum of Rs.15,10,000/- to the claimant in full and final settlement of the entire claim amount.

6. They pray that instead of awaiting the formal recording of settlement before the Lok Adalat which is scheduled on 11.12.2021, since the claimant is in urgent need of money, the appeals be disposed of in terms of the settlement between the parties.

7. In view of the above, with the consent of the parties, the appeals are disposed of and the awarded amount awarded by the impugned award dated 13.10.2017 read with order dated 05.02.2018 is enhanced by a consolidated amount of Rs.15,10,000/- which is inclusive of interest.

8. The award dated 13.10.2017 read with order dated 05.02.2018 directed release of the amounts partly on monthly basis. The claimant has filed an application seeking pre release of the amount on the ground that he had to sell his house for the purposes of repayment of the amount borrowed from friends and family for meeting the medical expenses and had shifted into a rented accommodation.

9. It is stated that he has now entered into an Agreement to Purchase a plot in Faridabad and paid a sum of Rs. 1,00,000/- as advance and the balance sum of Rs. 10,00,000/- is to be paid and thereafter construction has to be raised on the said plot. It is prayed that the earlier awarded amount be directed to be pre released in his favour.

10. In view of the fact that the insurance company has agreed to an enhancement of a consolidated sum of Rs.15,10,000/-, I am of the view that the purpose of the claimant would be served in case instead of release of the earlier awarded amount, the enhanced amount is disbursed to the claimant.

11. Accordingly, it is directed that the insurance company shall deposit the said enhanced amount of Rs. 15,10,000/- with the Tribunal within a period of four weeks. On deposit of the said amount the Tribunal shall disburse the sale consideration amount directly to the seller of the property, after verifying the title of the seller. Thereafter the claimant shall file before the Tribunal, a certified copy of the registered deed of title.

12. The remaining enhanced amount shall be disbursed to the claimant in staggered form to enable him to raise construction on the subject property.

13. In so far as the amount deposited in terms of the original award is concerned, the same shall continue to be disbursed in accordance with order dated 04.06.2021.

14. The appeals as well as the application are disposed of in the above terms.

15. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

NOVEMBER 10, 2021/rk