

(VIA VIDEO CONFERENCING)

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC APP. 1115/2017

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.

Through: Mr. Ankit Chaturvedi, Advocate. Appellant

versus

ASIM FAROOQ & ORS.

Through: Mr. Manish Maini, Advocate for R-1. Respondents

+ MAC APP. 330/2018

ASIM FAROOQ

Through: Mr. Ankit Chaturvedi, Advocate. Appellant

versus

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD. & ORS.

Through: Mr. Ankit Chaturvedi, Advocate. Respondent

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

CO-MEMBER: MR. K. VENKATRAMAN, ADVOCATE

ORDER

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11.09.2021

The appellant - Insurance Company in MAC APP No. 1115/2017 has filed an appeal challenging the Award dated 19.09.2017 passed by the learned MACT awarding compensation of Rs. 33,74,197/- along with interest @ 9% p.a. from date of Claim Petition. Claimant has also filed an appeal bearing MAC APP No. 330/2018 for enhancement of the amount. In MAC APP No. 1115/2017, vide order dated 20.12.2017, the Insurance

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17

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Comapny has deposited with the Registrar General of this Court Rs. 12,00,000/- along with interest @ 9% and further the said amount was released to Respondent no.1/ Claimant vide orders dated 09.02.2018.

That after comprehensive discussions; it is agreed and settled between the parties that :-

1. That the Insurance Company shall withdraw the Appeal (MAC. APP. No. 1115 / 2017), subject to reduction of an amount of Rs. 2,50,000/- along with interest from the total compensation amount as awarded by learned MACT vide Award dated 19.09.2017.

That the Claimant/ Respondent No.1, shall now be entitled to a further sum of **Rs. 18,99,197/-** along with interest @ 9% from the date of filing of Claim Petition till deposit in the following manner

Rs. 33,74,197/- (Total Award of MACT)
(-) Rs.12,00,000 (Amount already received)
(-) Rs. 2,50,000 (Settlement arrived)
(-) Rs. 25,000 (No Fault liability sum already paid)
Total Entitlement: Rs. 18,99,197/- + accrued interest @ 9% p.a.

2. That the Claimant/ Injured shall withdraw the enhancement appeal (MAC. APP. No. 330 / 2018), in view of settlement arrived in the connected matter.

Learned counsel for the Insurance Company also submits that the statutory amount with interest, if any, may be refunded to the Insurance Company.

The Insurance Company shall deposit a sum of Rs.18,99,197/- along with interest @9% per annum from the date of filing of the claim petition till deposit of the settled amount within six weeks from today, failing which, the

180

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same shall carry interest @9% per annum for the delayed period.

Learned counsel for the appellant has submitted that his client has taken loan from HDFC, Bajaj Finserv and Standard Chartered to the tune of Rs.38,86,000/- and has to pay huge interest along with monthly instalment. Learned counsel requested for release of the settled amount.

In view of the submissions of the learned counsel for the claimant, we allow release of full amount to the claimant.

Let the Delhi High Court Legal Services Committee release the abovementioned amount to the claimant subject to verification.

Statutory amount of Rs.25,000/- with interest, if any, be refunded to the insurance company.

In view of the aforesaid, the appeals stand disposed of.


RAJNISH BHATNAGAR, J.


K. VENKATRAMAN, ADVOCATE

SEPTEMBER 11, 2021