

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1389 of 2016

***Bajaj Allianz General Insurance
Company Ltd.***

.... ***Appellant***
Mr.Adam Ali Khan, Advocate

Versus

1.Kuni Muduli
2.Padlam Muduli
3.Padmini Muduli
4.Sumitra Muduli
5.Daana Muduli (dead)
6.Khagapati Muduli
7.M/s. Vajra Borewells

.... ***Respondents***
Mr. D.Mund, Advocate
(for Respondent Nos. 1 to 4 and 6)

CORAM:
JUSTICE SAVITRI RATHO

ORDER
12.11.2022

Order No.

04. 1. This matter is taken up today in the National Lok Adalat through hybrid mode.
2. Mr.D.Mund, learned counsel and associates have entered appearance on behalf of Respondent Nos.1 to 4 and 6 by filing Vakalatnama on 10.11.2022.
3. Mr. Adam Ali Khan, learned counsel for the appellant-Insurance Company and Mr.D.Mund, learned counsel appearing on behalf of the Respondent Nos.1 to 4 and 6 are present. The memo in support of the compromise between the Appellant-Insurance Company and Respondent Nos.1 to 4 and 6 - Claimants is kept in the record.

4. Mr. Mund, learned counsel has filed a memo stating therein that during pendency of this appeal the respondent No.5- Daana Muduli died on 15.10.2021 leaving behind her legal heirs- Kuni Muduli (daughter in law)-Respondent No.1, Padlam Muduli, , Padmini Muduli, Sumitra Muduli (grand children)-Respondent No.2, Respondent No.3 and Respondent No.4 respectively and Khagapati Muduli (husband)-Respondent No.6, who are already on record. The memo be kept in the record.

5. Considering the said submissions, no substitution is necessary and the name of Respondent No.5 - Daana Muduli be deleted from the cause title of the MACA.

6. The learned Additional District Judge-cum-M.A.C.T., Jeypore vide judgment dated 17.09.2016 passed in M.A.C. No.117 of 2011 (T) in an application under Section 166 of the Motor Vehicles Act, had directed the Appellant-Insurance Company to pay a sum of Rs.9,99,000/- (Rupees nine lakhs ninety nine thousand) only with interest @ 7.5% per annum to the Respondents No.1 to 6-Claimants from the date of filing of the application., i.e., 06.09.2011 till the date of payment, within a period of three months.

7. It is now agreed between the Appellant-Insurance Company and Respondents No.1 to 4 and 6-Claimants that a consolidated amount of Rs.16,50,000/- (Rupees sixteen lakhs fifty thousand only) shall be paid by the Insurance Company to the Respondents No.1 to 4 and 6-Claimants within a period of eight weeks from today.

8. It is therefore directed that the Appellant-Insurance Company shall deposit the aforesaid consolidated amount of

Rs.16,50,000/- (Rupees sixteen lakhs fifty thousand only) within a period of eight weeks from today before the Tribunal, which shall be re-apportioned by the Tribunal amongst the Respondents No.1 to 4 and 6-Claimants on production of death certificate of Respondent No.5-Daana Muduli.

9. As the settlement is arrived at before the National Lok Adalat, no court fee shall be levied. On production of proof of deposit, the statutory amount shall be refunded to the Appellant-Insurance Company along with accrued interest, on proper application.

10. As observed by the learned Tribunal, the Insurance Company shall be at liberty to recover the amount from the owner of the vehicle if recoverable, in accordance with law.

11. The MACA is accordingly disposed of.

12. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)

Judge

National Lok Adalat

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