

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No. 841 of 2018

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

....

Appellant

Mr. Adam Ali Khan, Advocate
Versus

1. Padma Madapeli (dead)

2. Dilu Madapeli

3. Ramarao Madapeli

4. Jansilaxmi Gunapu

....

Respondents

Mr. D. Mund, Advocate
(for Respondents No.2 and 3)

**CORAM:
JUSTICE SAVITRI RATHO**

**ORDER
12.11.2022**

Order No.

05. 1. This matter is taken up today in the National Lok Adalat through hybrid mode.
2. Mr. D. Mund, learned counsel and associates have filed Vakalatnama on behalf of Respondent Nos.2 and 3 along with a memo stating therein that during pendency of this appeal, respondent No.1- Padma Madapeli died on 17.04.2020 leaving behind her legal heirs, 1) respondent no.2 Dilu Madapeli, a minor who is represented by respondent no.3 Ramarao Madapeli who is already on record. The same be kept on record.
3. Considering the said submissions, substitution of respondent No.1 – Padma Madapeli is not necessary.
4. Mr. Adam Ali Khan, learned counsel for the appellant-Insurance Company and Mr. D.Mund, learned counsel appearing on behalf of the Respondent Nos.2 and 3 are present. The memo

in support of the compromise between the Appellant-Insurance Company and Respondent Nos.2 and 3 - Claimants is kept in the record.

5. The learned 1st M.A.C.T., Koraput at Jeypore in MAC Case No. 56 of 2015 vide a common judgment dated 24.03.20218 passed in M.A.C. case Nos.55, 56 & 57 of 2015 in applications under Section 166 of the Motor Vehicles Act, had directed the Appellant-Insurance Company to pay a sum of Rs.7,29,000/- (Rupees seven lakhs twenty nine thousand) only with interest @ 7% per annum to the Respondents No. 1 to 3-Claimants from the date of filing of the application., i.e., 08.05.2015 till its realization.

6. It is now agreed between the Appellant-Insurance Company and Respondents-Claimants No.2 and 3 that a modified consolidated amount of Rs.9,10,000/- (Rupees nine lakhs ten thousand only) shall be paid by the Insurance Company to the Respondents-Claimants within a period of eight weeks from today.

7. It is therefore directed that the Appellant-Insurance Company shall deposit the aforesaid consolidated amount of Rs.9,10,000/- (Rupees nine lakhs ten thousand only) within a period of eight weeks from today before the Tribunal, which shall be re-apportioned by the Tribunal amongst the Respondents-Claimants No.2 and 3 on production of death certificate of Respondent no.1-claimant Padma Madapeli

8. 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.

9. The right of recovery as granted by the Tribunal is confirmed.

10. The MACA is accordingly disposed of.

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

(Savitri Ratho)
Judge.
National Lok Adalat

sukanta

