

National Lok Adalat through Video Conferencing

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FAO-2337-1999

Smt. Kamlesh Devi and others

Versus

Ishwerbhai S Motwani and others

Present: Mr. Mukesh K. Bhatnagar, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for the Insurance Company.

* * * *

Instant appeal has been filed by the appellants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Sonipat vide its award dated 01.06.1999, to the tune of Rs.4,57,000/- along with interest @ 12 % 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 are taken on record as mark 'A' and 'B', respectively.

A perusal of the statements would show that the appellants as well as respondent-Insurance Company have amicably settled the matter by stating that an amount of Rs.6,00,000/- (Rupees Six Lakhs only) over and above the amount already awarded by the Motor Accident Claims Tribunal, Sonipat will be paid as full and final settlement by the Insurance Company to the appellants.

Learned counsel appearing for respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to appellants (as apportioned by the Tribunal, 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.

The appellants through counsel have also requested that the combined value of their shares be jointly disbursed by a single cheque drawn in

favour of Smt. Kamlesh Devi (appellant No.1). Learned counsel for the Insurance Company states that they have agreed to the same, having no objection to it, as the learned counsel who has amicably settled the matter on behalf of the appellants, represents all of them on the strength of the Power of Attorney (Vakalatnama) in his favour.

It is further stated that a cheque in the sum of Rs.6,00,000/- drawn in the name of appellant No.1 (Smt. Kamlesh Devi) will be deposited with the office of the Lok Adalat on or before 25.04.2022, failing which interest @ 9 % p.a. shall accrue on the said amount from the date of this order, till its realization.

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, Sonipat 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 appellants' counsel/appellant No.1 may collect the cheques 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

March 12, 2022
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