

FAO NO.10214 OF 2014 (O&M)

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& XOBJC-203-CII OF 2015

ICICI LOMBARD GEN. INS. CO. LTD. V/S SATWINDER KAUR & ORS.

Present: Mr. Rajbir Singh, Advocate with
Mr. Arun Kumar Sharma, Manager (Legal),
ICICI Lombard Gen. Ins. Co. Ltd.

Mr. Sushil Saini, Advocate
for Cross Objectors/Claimants.

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The learned tribunal awarded a sum of Rs.12,59,000/- to the claimants on account of death of Mituljit Singh, son of claimant No.1 in a motor accident. He was aged about 24 years at the time of the accident.

The Insurance Company filed an appeal against the award of the tribunal on the ground that excess amount has been awarded to the claimants. This appeal remained in motion hearing for a number of years. Meanwhile, the claimants filed cross objections which were tagged with the appeal filed by the Insurance Company. Ultimately, vide order dated July 6th, 2022 and with the consent of the parties, the appeal and cross objections were referred to the Lok Adalat for disposal.

It is how the appeal and cross objections have come before us. It is also pertinent to mention here that the High Court vide an interim order dated 17.12.2014 stayed the disbursement of the amount of the compensation to the claimants beyond Rs.7,00,000/-.

We have heard the learned counsel for the parties and discussed the matter with them. According to the settlement and the statement made by the learned counsel for the claimants/cross objectors, the appeal as also the cross objections are disposed of with the modification that the claimants now shall be entitled to an amount of Rs.5,59,000/- plus another sum of Rs.1,50,000/- in full & final settlement of their claim. The appeal and the cross objections are disposed of accordingly and the cross objectors shall not be entitled to any further amount under the award except the amount mentioned

above. The Insurance Company shall deposit a cheque in the sum of Rs.7,09,000/- in the name of claimant/Cross Objector No.1-Satwinder Kaur (mother of the deceased) with the office of the Lok Adalat on or before 02.09.2022. Failing compliance of the order, interest @ 9% per annum shall follow on this amount till payment from the date of this order.

The Insurance Company at the time of filing the appeal challenging the compensation awarded by the learned MACT, deposited an amount of Rs.25,000/- with the office of the High Court under the statutory provision. The parties having settled the matter as noticed above, the Insurance Company shall be entitled to get the refund of that amount from the office of the High Court.

This disposes of FAO No.10214 of 2014 and Cross Objections No.203-CII of 2015.

Copy of this order be supplied/sent to the counsel/parties and file be consigned to record.

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER**

July 21, 2022

NainaRajput