

577 **FAO-167 of 2017 (O&M) and
FAO-46-2017**

1

Bimonthly Lok Adalat

**FAO-167 of 2017
Dayalo Rani @ Dayalo and others
Vs.
Johny Kumar @ Johny and others**

FAO-46-2017

**Magma HDI General Insurance Co. Ltd.
Vs.
Johny Kumar @ Johny and others**

Present: Mr. G.C. Shahpuri, Advocate for appellants
 in **FAO-167 of 2017 and**
 respondent Nos.1 and 2 in **FAO-46-2017.**

 Mr. Pankaj Mehta, Advocate
 for appellant in **FAO-46-2017 and**
 for respondent No.3/Insurance Company Ltd.
 in **FAO-167 of 2017.**

The appeal bearing No.FAO-167 of 2017 has been filed by appellants (claimants), seeking modification of the impugned award dated 17.10.2016 in MACT case No.35 of 2015 passed by Motor Accident Claims Tribunal, Ambala, as the compensation amount of Rs.5,43,000/- awarded to them by the Tribunal is on lower side, who have prayed for enhancement of the same.

The appeal bearing No.FAO-46 of 2017 has been filed by appellant (insurance company), to challenge the impugned award dated 17.10.2016, on the ground that compensation awarded to the claimants (respondents) is on the higher side.

These appeals are taken up in the Lok Adalat to explore the possibility of settlement between the contesting parties.

During the proceedings, the parties have arrived at an agreement and as per statements of learned counsel for the appellants in FAO No.167-2017 and representative of the respondent–Insurance Company (separately recorded), a sum of Rs.5,00,000/- over and above the amount awarded by the Tribunal is allowed to the appellants in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants, the enhanced amount be paid to the appellants in the same terms as ordered by Motor Accident Claim Tribunal, Ambala.

At the same time, learned counsel for insurance company, on instructions from Harbhajan Singh, Asst. Legal Manager, Magma HDI General Insurance Co. Ltd., states that as the parties have entered into a settlement and a sum of Rs.5,00,000/- is being paid to the complainants towards enhanced compensation, therefore, nothing survives for adjudication in FAO-46-2017 and the same is rendered infructuous.

The enhanced amount be paid to the appellants in the same terms as ordered by Motor Accident Claim Tribunal, Ambala.

Accordingly, we dispose off these appeals with a direction to the Insurance Company to deposit a crossed-cheque for Rs.5,00,000/- in the name of appellants with the office of the Lok Adalat of the High Court within forty five days, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The concerned Officer

of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheque to learned counsel/representative of the respondent–Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the Hon'ble High Court.

**(MANOJ BAJAJ)
PRESIDENT**

**(BALTEJ SINGH)
MEMBER**

23.04.2022
jasmine kaur