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FAO-1992-2017 (O&M)

**Bharti Axa General Insurance Co. Ltd. Vs. Gulab Singh (Since Deceased) thr
LRs and others**

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Mr. Bhupinder Ghai, Advocate
for respondent No.1 along with
Sarbjeeet Kaur (widow of Gulab Singh)
Mr. Lakhwinder Singh (son of Gulab Singh)
Harshpreet Kaur (daughter of Gulab Singh)

The present appeal is preferred by the appellant-Insurance Company against the impugned award dated 19.12.2016 passed by the Motor Accideent Claims Tribunal, SAS Nagar Mohali awarding compensation of Rs.86,37,000/- to the claimants.

The brief facts of the case are that Gulab Singh (since deceased) filed a claim petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.70 lakhs along with interest on account of the injuries suffered by him in a motor vehicle accident that had taken place on 06.09.2014, due to rash and negligent driving of the three wheeler. During the pendency of the claim petition, Gulab Singh expired on account of the said injuries. Consequently, his widow Sarbjeeet Kaur, son Lakhwinder Singh and daughter Harpreet Kaur were brought on record as his legal representatives. Thus, the claim petition was allowed by the learned MACT awarding compensation of Rs.86,37,000/- to the claimants.

The Insurance Company has preferred the present appeal against the said award before this Hon'ble Court on the ground of some technical issues and that after the death of Gulab Singh, his widow Sarbjeeet Kaur is getting a pension of Rs.25,061/, and unfortunate death of her husband has not caused any pecuniary loss to her.

Therefore, the compensation awarded by the learned MACT is on the higher side.

While issuing the notice of motion, this Hon'ble High Court had stayed the recovery of the awarded amount vide order dated 27.03.2017.

On the request of learned counsel for the parties, the matter has been referred to Lok Adalat.

The matter has been settled with the respondent-claimants for a sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) as full and final settlement. The settlement of counsel for the parties have been recorded.

Learned counsel for the respondents-claimants endorses the settlement with the Insurance Company for a sum of Rs.80,00,0000/- (Rupees Eighty Lakhs only). As per his instructions, the entire amount be paid to Sarbjeet Kaur (widow of Gulab Singh) within a period of 40 days. Learned counsel further states that he has no objection, if the statutory amount of Rs. 25,000/- deposited in the High Court at the time of filing the appeal, be refunded to the Insurance Company. Learned counsel has supplied the Aadhar Card of Sarbjeet Kaur, which is taken on record as Mark 'A'. The settlement is also counter signed by some of the claimants who happens to be present today.

In view of the settlement between the parties, we dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of Rs.80,00,000/- (Rupees Eighty Lakhs Only) in the name of the Sarbjeet Kaur widow of Gulab Singh with the office of the Lok Adalat of the High Court on or before 07.09.2022 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

The statutory amount of Rs.25,000/- deposited in the High Court be refunded to the Insurance Company.

Normally, in the appeal by the Insurance Company, they do not settle the case. However, in this case, we must appreciate the gesture, composure and work ethic of legal department of the Insurance Company of Bharti Axa General Insurance Co. Ltd. (now ICICI Lombard General Insurance Company) and their counsel of excellent representation towards settlement in this case.

(J.C. Verma)
President

(Arvind Kumar)
Member

29.07.2022
Atul