

598 FAO-7423-2018 (O&M)

SUDESH KUMARI AND ORS VS SURINDER SINGH AND ORS

Present: Mr.Bhupeshwar Jaswal, Advocate for the appellant.

Mr. Rajbir Singh, Advocate with
Mr. Amit Vyas, Manager,
for respondent No.3-Insurance Company.

CM-26595-CII-2018

Prayer in the application is for condonation of delay of 53 days in re-filing the present appeal. Heard. In view of the reasons mentioned in the application, same is allowed.

Delay of 53 days in re-filing the present appeal is condoned.

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A consent form has been received from the office of Mr. Bhupeshwar Jaswal, Advocate, whereby both the parties have agreed for full and final settlement with the enhanced compensation at Rs. 2,75,000/- (Rupees Two Lakh and seventy five thousand only) over and above the amount already awarded by the learned MACT, Pathankot i.e. Rs.7,49,000/-.

Appellant No.2, Raj Kumar is present in Court and has recorded a statement thereby giving up his share in favour of his mother, Sudesh Kumari i.e. appellant-claimant No.1. He has also stated that the remaining claimants also want to give up their share in favour of their mother i.e. claimant No.1 and has undertaken to furnish affidavits on behalf of other claimants within one week.

In view of his statement, the enhanced amount of compensation is ordered to be credited in the account of claimant/appellant No.1, Smt. Sudesh Kumari only within a period of 6 weeks from today subject to the conditions that the remaining claimants (except claimant No.2, Raj Kumar) shall furnish their affidavits with regard to giving up their share in favour of the appellant No.1-claimant. In case, the remaining claimants do not furnish requisite affidavits then, out of the enhanced amount of compensation, only an amount having fallen to the share of appellant No.1 as well as appellant No.2 shall be credited in the bank account of the appellant-claimant No.1 on her providing requisite bank details thereby enabling the respondent-Insurance company to send the same through RTGS and in that case the remaining amount of compensation shall be disbursed amongst the remaining claimants (except appellant-claimant No. 2) to the extent of equal shares. In case, the appellants/claimants details are not provided for the purpose of transfer of the said amount, the insurance company will be at liberty to deposit cheque/demand draft in the name of appellant No.1 (or of the other claimants if the affidavits are not furnished) against the compensation amount in the office of Lok Adalat of this Court.

It is further made clear that in case the insurance company fails to deposit the amount of enhanced compensation within the stipulated period of six weeks, it shall carry interest @ 9% per annum from the date it became due till the date of its realization.

The present appeal is disposed of in the abovesaid terms.

A copy of this order be supplied to the respective counsel for the parties and file be returned to the High Court.

**(MANISHA BATRA)
PRESIDENT**

12.11.2022
pooja saini

**(PAWAN KUMAR MUTNEJA)
MEMBER**