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FAO-2508-2020 (O&M)

MAFIYA AND OTHERS V/S ASHOK KUMAR AND OTHERS

Present:- Mr. Ashish Gupta, Advocate
for the appellants.

Mr. Nigam Bhardwaj, Advocate
for respondent No.3-Cholamandlam MS General Insurance Company
Ltd.

In the backdrop of settlement between the parties, the Insurance Company has not opposed the condonation of delay of 372 days in filing the present appeal at any juncture and as such, in view of the settlement that has been arrived between the parties, the delay in filing the appeal is condoned.

As agreed, (statements of learned counsel for the appellants as well as counsel for the Insurance Company, separately recorded) a sum of Rs.1,90,000/- (Rupees One Lakh Ninety Thousand only) over and above the amount already awarded by the Tribunal is allowed to the appellants in full and final settlement of the claim.

Counsel states that agreed amount be released in favour of appellant No. 1-Mafiya. It is further undertaken that in case in future any claim is raised by any other appellant(s), the appellant No. 1 shall indemnify the said claimant(s).

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit cheque for Rs.1,90,000/- (Rupees One Lakh Ninety Thousand only) favouring appellant No. 1-Mafiya w/o Kayyum with the office of the Lok Adalat of the High Court on or before 03.03.2023. Failing compliance of the order, interest @ 9% per annum shall follow on this amount till payment from the date of this order. The appellants' counsel may collect the cheque from the office of the

Lok Adalat after retaining the photocopy of the cheque/draft bearing signatures of the Counsel.

Appeal stands disposed of.

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

(JASBIR SINGH)
PRESIDENT

(B.C. GUPTA)
MEMBER

17.01.2023
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