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FAO-4825-2003

MAM CHAND AND ANR. V/S DHARMENDER SINGH AND ORS.

Present: Mr.Arvind Kumar Yadav, Advocate,
for the appellants.

Mr.Aseem Aggarwal, Advocate, and
Mr.Suvir Dewan, Advocate, with
Mr.Yatin Sachdeva, Assistant Manager, and
Mr.Sumeet Raval, Assistant Manager,
Oriental Insurance Company Limited.

* * * *

Vide order dated 29.11.2023, on behalf of the appellants, proposal was made to enhance compensation by ₹6,00,000/- over and above the amount awarded by the MACT in full and final settlement of the claim in this appeal and the matter was adjourned for concurrence of the respondent - Insurance Company.

Today, learned counsel and representatives of the respondent - Insurance Company state that Company is agreeable to pay only an amount of ₹5,30,000/- and not ₹6,00,000/- over and above the amount awarded by the MACT. This counter-offer of ₹5,30,000/- has been accepted by learned counsel for the appellants, who has signed the statement.

Thus, as agreed, as per statements of learned counsel for the appellants and learned counsel for the respondent-Insurance Company (separately recorded), a sum of ₹5,30,000/- (₹ Five Lakh Thirty Thousand Only) 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 appellant No.2 – Smt.Mali Devi.

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It has been stated by learned counsel for the appellants that there is some typographical mistake in writing name of appellant No.2 (mother of the deceased) in Memo of Parties, wherein it has been mentioned as Smt.Mala Devi wife of Parbhathi Ram, whereas, her name is Smt.Mali Devi wife of Mam Chand (appellant No.1) and that her bank account is also in this name. He has also produced attested copies of Aadhar Card and Bank Account of appellant No.2 - Smt.Mali Devi wife of Mam Chand, which have been placed on the record. He further requests that cheque be prepared in the name of appellant No.2 - Smt.Mali Devi wife of Mam Chand.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque for ₹5,30,000/- in the name of appellant No.2 - Smt.Mali Devi wife of Mam Chand with the office of the Lok Adalat of the High Court on or before 07.02.2024, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount from the date of this order till payment. 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.

(R.K.Nehru)
President

20.12.2023

(Ram Chand Gupta)
Member