

FAO-4133-2019 (O&M) and FAO-3297-2019 (O&M)

Harchand Singh and others Vs. Jasbir Singh and others

Present:- Mr. Jaideep Verma, Advocate along with
Mr. Jagtar Singh, appellant No.3-in person
for the appellant (in FAO-4133-2019)
for the respondent (in FAO-3297-2019)

Mr. R.C. Kapoor, Advocate
Mr. Aseem Aggarwal, Advocate with
Ms. Pushpa Bhardwaj, Manager and
Mr. Vishal Malhotra, AM
for the appellant (in FAO-3297-2019)
for New India Assurance Co. Ltd.-respondent No.3. (in FAO-4133-2019)

This order shall dispose of two appeals bearing FAO-4133-2019 filed by the claimants and FAO-3297-2019 filed by the Insurance Company respectively.

The facts are that Harbans Singh aged about 72 years (unmarried) died in a motor vehicular accident that had taken place on 01.03.2016. His brother Harchand Singh (mentally retarded) and two nephews, namely, Mandeep Singh and Jagtar Singh filed claim petition seeking compensation. Learned MACT, Rupnagar vide its award dated 28.02.2019 awarded a compensation of Rs. 4,34,000/- along with interest at the rate of 7.5% per annum to be paid in equal share from the date of filing of the claim petition i.e. 30.03.2016 till actual realization.

The claimants have filed present appeal seeking enhancement of compensation. Simultaneously the Insurance Company has also filed cross appeal bearing FAO-3297-2019 on various grounds wherein vide order dated 17.05.2019, the Hon'ble High Court ordered that the appellant-Insurance Company shall deposit the amount with the Tribunal but the same shall not be disbursed to the claimants.

The matter has been referred to this Forum. Learned counsel for the appellants has made a statement that he does not press the enhancement and as per the instructions from his client, the disbursement be made to Jagtar Singh-appellant No.3 (present before this Forum), since Harchand Singh is mentally retarded. In case of any dispute with regard to disbursement among legal heirs (whether they are party or not)

They will settle themselves.

In view of the said statement, learned counsel for the Insurance Company does not want to press his appeal and prays that his appeal bearing FAO-3297-2019 be dismissed as withdrawn.

In view of the said settlement between the parties, the present appeal stands disposed of accordingly in the manner indicated above. The amount, which has already been deposited by the Insurance Company before the MACT, Rupnagar be disbursed to Jagtar Singh-appellant No.3 against the receipt and identification.

A copy of this order be sent to MACT, Rupnagar.

(J.C. VERMA)
PRESIDENT

24.08.2023
Atul

(ARVIND KUMAR)
MEMBER