

Daily Lok Adalat**510****FAO-3844-2007****USHA RANI VS. SURINDER AND OTHERS**

Present:- Mr. Satyaveer Singh, Advocate along with
Ms. Usha Ran, appellant-in-person.

Mr. Vinod Gupta, Advocate with
Mr. Vivek Suman, AM
for respondent No.3-National Ins. Co. Ltd.

Mr. Munish Mittal, Advocate
for respondents No.4 and 5.

One Pawan aged about 24 years, Constable in Haryana Police died in a motor vehicular accident that had taken place on 03.04.2005. Usha Rani, widow and parents of the deceased filed claim petitions for grant of compensation. Usha Rani filed a separate claim petition for grant of compensation on account of damage of motorcycle. There was another petition filed by one Naresh. The said petitions were disposed of vide common award dated 11.05.2007 passed by MACT Karnal wherein account of death of Pawan, the claimants were awarded the total compensation of Rs.7,02,160/- along with interest at the rate of 7.10% from the date of filing the claim petition.

Out of the said amount, Rs.4,00,000/- was awarded to Usha Rani whereas, Rs.3,02,160/- was awarded to the parents of the deceased.

Two separate appeals were filed i.e. FAO No.3844-2007 by Usha Rani-widow and FAO-4962-2007 by the parents of the deceased-Pawan respectively.

The appeal of the parents came up before this Forum on 13.03.2023 for the purpose of settlement and the matter was settled for a sum of Rs.9,00,000/- over and above the amount already awarded by the Tribunal to be paid in equal shares to them whereas the FAO filed by the Usha Rani (widow) was misconstrued to be enhancement of compensation on account of damage of motorcycle.

When the appeal filed by Usha Rani, came up for settlement, seeking enhancement of compensation on account of death of her husband, the matter was re-discussed with learned counsel representing the parents of the deceased. There is no issue with regard to enhancement of Rs.9,00,000/- that had been raised. There is only dispute with regard to apportionment. However, after due discussion, learned counsel for the parties have agreed for apportionment in terms of the award.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of Rs.9,00,000/-(Rupees Nine Lakhs only) in the name of claimants/appellants (as per award) with the office of the Lok Adalat of the High Court on or before 08.05.2023 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.

Order dated 13.03.2023 passed in FAO-4962-2007 stands modified to the above extent.

A copy of this order be placed on the file of FAO No.4962-2007 filed by Kishni Devi and others (respondents No.4 and 5 herein).

Copy of the order/statement be supplied /sent to the counsel/parties and file be returned to the High Court.

(J.C. VERMA)
PRESIDENT

27.03.2023
Atul

(ARVIND KUMAR)
MEMBER