

FAO-5128-2009

DULI CHAND VS VIPIN MAKKAR AND ORS.

Present: None for the appellant.

Mr. Vinod Gupta, Advocate,
Mr. Punit Jain, Advocate,
Ms. Charanjit Kaur, Deputy Manager
for the New India Assurance Company.

* * * *

Vide award dated 10.11.2022, the matter was settled at Rs.4,50,000/- over and above the amount already awarded by the learned Tribunal. After passing of the award, it came to the notice of the learned counsel for the appellant that the appellant-Duli Chand has since died. In view of that CM No.5043-CII-2003 was filed before the Hon'ble High Court and the same was allowed vide order dated 12.05.2023 and amended memo of parties was filed accordingly.

Learned counsel for legal representatives of deceased has telephonically informed the Registry that due to heavy rain he will not be able to cause appearance before the Lok Adalat. However, he has instructions to make a settlement i.e. 50% of the awarded amount be paid to appellant No.1-Santosh-wife of deceased and the remaining 50% be disbursed among all other appellants in equal shares.

Learned counsel for the Insurance Company has no objection to the proposal made by the learned counsel for the appellant.

In view of the consensus reached between the parties, Insurance Company is directed to prepare a fresh cheque/draft to deposit the enhanced amount of Rs.2,25,000/- (Rupees Two Lacs and Twenty Five Thousand Only) in favour of appellant No.1-Santosh-wife of deceased and the remaining amount of Rs.2,25,000/- be disbursed in equal shares to remaining appellants i.e. Rs.56,250/- (Rupees Fifty Six Thousand Two Hundred and Fifty Only) to appellants No.2, 3, 4 and 5 each with the Office of the Lok Adalat of the High Court on or before 16.01.2024. 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/draft from the office of the Lok Adalat. The office shall retain the photocopies of the cheque/draft bearing signatures of the Counsel.

Learned counsel for the appellants is directed to return the cheque already given by the Insurance Company so that the Insurance Company can issue a fresh cheque.

Appeal stands disposed of in terms of the settlement.

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

(Jitendra Chauhan)
PRESIDENT

(R.P. Nagrath)
MEMBER

November 30, 2023

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