

Daily Lok Adalat
506

Bench No.1

FAO-5493-2012 (O&M) and
XOBJC-73-2022

Ashok Kumar and another Vs. Sachin and another

Present:- Mr. J.S. Hooda, Advocate
for the appellant.

Mr. Rishav Jain, Advocate
for cross-objector-respondent No.1.

Mr. Rajneesh Malhotra, Advocate
for respondent No.2-Bajaj Allianz Gen. Ins. Co. Ltd.

This order shall dispose of FAO-5493-2012 filed by the appellants i.e. driver and owner and the cross-objections XOBJC-73-2022 filed by the claimants.

The facts are that Sachin son of Babu Lal had met with an accident on 09.11.2007. He was awarded the total compensation of Rs.2,95,000/- along with interest at the rate of 6% per annum from the date of institution of the petition till realization. It was ordered that the amount of compensation would be paid by the Insurance Company with the recovery rights from respondents No.1 and 2 i.e. driver and owner. The driver and owner filed FAO-5493-2012 challenging the impugned award. Vide order dated 17.05.2013, this Hon'ble High Court had stayed the operation of the impugned award to the extent of granting recovery rights against the applicants-appellants.

The claimant-respondent No.1 filed the cross-objection seeking enhancement of compensation.

The case has been referred to this Forum for the purpose of settlement.

The matter has been settled. So far as the recovery thereof is concerned, learned counsel for the Insurance Company has made a statement that as per the instructions from the Insurance Company, he will not press for the recovery of the amount of the compensation from the driver and owner. On the basis of the said statement, learned counsel for the driver and owner has also made a statement that in view of the statement made by the Insurance Company, he wishes to withdraw appeal filed by the driver and owner.

In view of the above, FAO-5493-2012 filed by the driver and owner is dismissed as withdrawn.

So far as the enhancement of compensation is concerned.

As agreed, as per statement of the representatives of the Insurance Company and counsel for the claimant-respondent No.1, (separately recorded today), a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) more, over and above, the amount awarded by the Tribunal is allowed to the claimant-respondent No.1, in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the claimant-respondent No.1, the enhanced amount would be paid to the claimant-respondent No.1-Sachin

Accordingly, we dispose of the cross-objection with a direction to Insurance Company to deposit a crossed-cheque in the sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) in the name of claimant-respondent No.1-Sachin with the office of the Lok Adalat of the High Court on or before 24.01.2024 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 claimant/respondent No.1's counsel may collect the cheque from the office of the Lok Adalat.

(J.C. VERMA)
PRESIDENT

08.12.2023
Atul

(ARVIND KUMAR)
MEMBER