

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.463 of 2017

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Bharti AXA General Insurance Company Limited, through its Chairman-cum-Managing Director, 3rd Floor (South East Corner) Rohini Building No. 56, Circular Raod, District - Ranchi, Jahnkhand-834001 through Priyamvada Roy Authorized Signatory Legal Claims-West Bengal, Bihar and NE, Bharti AXA General Insurance Co. Ltd. 49, Sakharam Ganesh Dauskar Sarani, Townshend Road, Kolkata-700025.

... .. Appellant/s

Versus

1. Minta Devi W/o Ram Kumar Mahto.
2. Ram Kumar Mahto, S/o Dirakshan Mahto
Both residents of Village- Chak Alahbad, P.S. and District- Vaishali At present Mohalla- Anandpuri, P.S.- S.K. Puri, District- Patna.
3. M/s Kataria Carriers through its Proprietor Mahendra Kumar Kataria resident of 133/198 T.P. Nagar, District- Kanpur- 208001 (Uttar Pradesh) Owner of Truck bearing registration no. UP 78 BT 4868.
4. Prabhansh Kumar Singh, S/o Jai Prakash Singh, resident of Mohalla- E/ 39, Panki, P.S.- Panki, District- Kanpur TownU.P.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Kumar Singh, Advocate
For the Respondent/s : Mr. Alok Kumar @ Alok Kr Shahi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 31-01-2024 1. It is submitted by Mr. Durgesh Kumar Singh, learned counsel for the appellant that the appellant and claimants, who are here respondents no. 1 and 2, have arrived at a compromise and in this regard, the appellant has proposed to pay a sum of Rs. 11,00,000/- (rupees eleven lacs only) to the



claimants/respondents and the said proposal has been accepted by the claimants. It is further submitted that the final settlement amount, as agreed, will be paid to the claimants/respondents no. 1 and 2 within four weeks from today, hence, in view of the said amicable settlement made by the appellant and the claimants, the instant appeal may be disposed of.

2. Mr. Alok Kumar Shahi, learned counsel for the respondents no.1 and 2 submits that the respondents are agree to receive the proposed amount as final settlement amount and also agree that the claimants will not make any further claim for the payment of the compensation amount which has been awarded in their favour by the Claim Tribunal, Patna in Claim Case No. 214 of 2013.

3. Considering the amicable settlement made by both the parties, it is directed that the appellant shall be bound with the above proposal which has been accepted by the respondents no.1 and 2 and the amount of final settlement, as agreed, shall be paid by the appellant within four weeks from the date of this order to the claimants who have been held entitle to receive the compensation by the Claim Tribunal and the said amount shall be paid by the appellant to the claimants in the form of account payee cheque or demand draft payable to the claimants.



4. In the result, the instant appeal stands disposed of in terms of aforesaid compromise. After the payment of settlement amount within the fixed period, the award challenged in this appeal will not have any legal force.

(Shailendra Singh, J)

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