

2024:PHHC:076208



504

FAO-3555-2004

LILA KAUR VS JARNAIL SINGH AND ORS

Present: Lila Kaur-appellant No.1,
Gurvinder Singh-s/o Late Sh. Mangal Singh-appellant
No.2,
Gurmeet Singh-appellant No.3,
Lakhbir Singh-appellant No.4
in person.

Mr. Nitin Gupta, Advocate
for United India Insurance Co.

* * *

On the last date of hearing, learned counsel for the appellants submitted that the appellants are not in touch with him. Notice therefore was issued to all the appellants to appear in person. Registry has reported that appellant No.2 has died. Appellants No.1, 3 and 4 are present in person and Gurvinder Singh s/o appellant No.2 is also present. He has recorded his statement separately that he is the only legal heir of appellant No.2 and has no other sibling.

Learned counsel for the Insurance Company has pointed out that the liability of the Insurance Company was fixed at 50% as deceased himself was found to be responsible for contributory negligence. Having considered the matter, the parties have settled the matter for an amount of Rs.5 lacs over and above the amount already awarded by the learned Tribunal.

Accordingly, this award is made with the direction to the Insurance Company to deposit the enhanced amount of Rs.5,00,000/- (Rupees Five Lacs Only) by cheque/draft, out of which Rs.2 lacs be deposited in favour of appellant No.1 and the remaining amount be deposited in favour of appellants No.2 to 4 (in equal shares i.e. Rs.1 lac each) with the Office of the Lok Adalat of the High Court on or before 27.07.2024. It is directed that Insurance Company shall deposit the amount in the above proportion directly in the accounts of the appellants and they have furnished the bank details which is taken on record. Failing compliance of the order,

interest @ 9% per annum shall follow on this amount till payment from the date of this order.

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

May 28, 2024
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