2024:PHHC:104182

Daily Lok Adalat **Bench No.1**
503
FAO-2442-2006

SARABJIT KAUR AND ORS V/S PREM VALABH AND ORS

Present:- None for the appellants.

Mr. Sandeep Suri, Advocate
Mr. Sunil Aggarwal, Manager and
Mr. Vivek Suman, AM
for National Ins. Co. Ltd.
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This appeal has been filed by the widow and daughter of the deceased seeking enhancement of compensation on account of death of Jagrup in a motor vehicular accident that had taken place on 05.08.2001 for which a connected appeal i.e. FAO-1683-2006 filed by the father of the deceased (wherein the present appellants-claimants (widow and daughter of the deceased) were already the proforma respondents) against the award dated 14.12.2005, had already been disposed of by this Forum on 17.03.2009, wherein Rs.20,000/-, over and above the amount already awarded by the Tribunal was awarded to the appellants, in full and final settlement of the claim.

Learned counsel for the Insurance Company has also placed on record a copy of the aforesaid order dated 17.03.2009 along with memo of parties (Ex. A-1 and A-2) and states that enhancement has already been awarded to the father of the deceased and no further enhancement can be made in the present appeal filed by the widow and daughter of the deceased, be dismissed as infructous.

It seems that when the appeal i.e. FAO-1683-2006 filed by the father was disposed of by way of settlement dated 17.03.2009, it was not brought to the notice of this Forum that widow and daughter has also filed a separate appeal i.e. FAO-2442-2006, which is pending.

In this backdrop, instead of dismissing the appeal as infructuous, we feel that same is consigned to record room with a liberty to the appellants to revive the same by filing an appropriate application before the appropriate Forum if such necessity arises.

Copy of this order be sent to learned counsel for the claimants-appellants.

(J.C. VERMA)
PRESIDENT

12.08.2024 **(ARVIND KUMAR)**
MEMBER

Anu

ATUL KUMAR TRIPATHI
2025.11.13 12:26
I attest to the accuracy and
integrity of this document