2024:PHHC:129434

Daily Lok Adalat **Bench No.1**
506

FAO-2072-2015

SONIA AND ANOTHER VS. DHARAMPAL AND OTHERS

Present:- Mr. Ishan Cooner, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate along with
Mr. Manjit Singh, Manager
for United India Ins. Co. Ltd.
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Pardeep Kumar aged about 27 years died in a motor vehicular accident that had taken place on 26.02.2014. His parents, wife and minor daughter (cliamants) have filed a claim petition under Section 166 of the Motor Vehicle Act, 1988 for grant of compensation. Learned MACT, Ambala vide order dated 20.10.2014 awarded a total compensation of Rs.13,68,861/- in favour of the claimants.

Learned counsel for the appellants states that learned MACT has erred in not considering the father of the deceased as his dependent and while passing the award it had deducted 1/3th as personal expenses whereas 1/4rd should have been deducted. It has been categorically mentioned in the examination of Sonia PW-1 that all the claimants were fully dependent upon the income of the deceased. She has further clarified in her cross-examination that since the time of her marriage, she had not seen her father-in-law, namely Ram Kumar (Proforma respondent No.5 herein) was doing any work.

In view of the statement of PW-1 Sonia that since it is apparent that her father-in-law Ram Kumar (Proforma respondent No.5) was not doing any work rather he was dependent upon the income of the deceased and as such the argument that there should be 1/4th deduction, is plausible.

On 24.09.2024, the matter was disuccsed and on the request of learned counsel for the parties, the matter was adjourned. On 27.09.2024, the representative of the Insurance Company was not present and the case was again adjourned to today for settlement.

Today, learned counsel for the Insurance Company along with representative of the Insurance are present.

On the basis of said evidence, learned counsel for the Insurance Company has not raised any objections to the arguments raised by learned counsel for the appellants and is ready to settle the matter by applying the 1/4th deduction.

Atul Kumar Tripathi
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integrity of this document

As agreed, as per statement of the representatives of the Insurance Company and counsel for the appellants, (separately recorded today), a sum of Rs.4,00,000/- (Rupees Four Lakh only) more, over and above, the amount awarded by the Tribunal is allowed to the appellants, in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants the enhanced amount would be paid to the appellants (as per award).

We dispose of this case, subject to all just exceptions, with a direction to Insurance Company to deposit a crossed-cheque in the sum of Rs.4,00,000/- (Rupees Four Lakh only) in the name of the appellants (as per award) with the office of the Lok Adalat of the High Court on or before 19.11.2024 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 appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

A copy of this order be sent to Ram Murti, proforma respondent No.4 at the given address to come present before the Lok Adalat Branch for collection of the cheque after 19.11.2024.

Copy of the order/statement be supplied /sent to the counsel/parties and file be returned to the High Court.

(J.C. VERMA)
PRESIDENT

30.09.2024 **(ARVIND KUMAR)**
Atul **MEMBER**

Atul Kumar Tripathi
2024.10.04 23:16
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