

**Daily Lok Adalat**

505 (4 cases)

Bench No.1**FAO-5935-5939-2014 and FAO-10541-10542-2018 (O&M)**

SHIKSHA DEVI V/S AMAR PAL AND ORS

Present:- Mr. Krishan Singh, Advocate along with
 Mr. Yagga Pal, appellant No.3 (in FAO-5935-2014)
 Mr. Devinder Pal @ Raju, appellant in person (in FAO-5939-2014)
 None for the respondents.

Mr. R.K. Saini, Advocate for appellants in FAO-10541-10542-2018
 for the respondents FAO-5935-5939-2014 and

Mr. Nigam K. Bhardwaj, Advocate
 for the respondent-ICICI Lombard Gen. Ins. Co. Ltd.

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This order shall dispose of four appeals i.e. FAO-5935-2014 filed by parents and brother of the deceased, namely, Nittu @ Baltesh Kumar aged about 24 years, who died in a motor vehicular accident that had taken place on 16.05.2010; FAO-5939-2014 filed by the appellant, namely Davinder Kumar @ Raju, who suffered injuries on account of said accident; FAO-10541 and FAO-10542-2018 filed by driver and owner respectively of the offending vehicle against the common award dated 03.04.2013 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari

Learned MACT, vide award dated 03.04.2013 awarded a compensation of Rs.3,75,316/- in favour of claimant-appellant, Shiksha Devi on account of death of her son, namely, Nittu @ Baltesh and Rs.1,39,904/- in favour of the claimants-Davinder Kumar @ Raju on account of the injuries suffered by him along with interest at the rate of 7.5% per annum to be paid by the driver and owner of the offending vehicle as the Insurance Company has been exonerated and the liability to pay the compensation has been fastened on them on the ground that they were not having the valid driving licence at the time of accident.

Feeling dissatisfied with the compensation awarded by learned MACT to the claimants, they have filed their separate appeals i.e. FAO-5935-2014 and 5939-2014 seeking enhancement of the compensation awarded to them.

Driver and owner had also filed separate appeals praying therein that they should not be held liable for the payment of compensation.

All these appeals have been entrusted to this Forum for the purpose of

Today, when the appeals are taken up for settlement, learned counsel for the appellants along with Mr. Yagga Pal and Davinder Kumar @ Raju have made their separate statements that they have not received any amount awarded by the MACT in their favour.

This is a case where the Insurance Company has taken the exceptional step by paying the entire compensation amount granted by MACT and enhanced by this Forum to the claimants, despite being absolved of its liability in order to end the litigation and to promote the settlement process.

As agreed, as per statement of the counsel for the Insurance Company (in FAO-5935-2014) and counsel for the appellants, (separately recorded today), a total sum of Rs.10,0000/- (Rupees Ten Lakh only) (including the amount of compensation awarded by MACT i.e. Rs.3,75,000/-) and (in FAO-5939-2014), a total sum of Rs.5,35,000/- (including the amount of compensation awarded by learned MACT i.e. Rs.1,39,904/-) is allowed to the appellants, in full and final settlement of the claim in these appeal. As per the statement of learned counsel for the appellants-claimants (in FAO-5935-2014), the entire amount of compensation would be paid to the appellant No.1-Shiksha Devi and in FAO-5939-2014, the entire amount of compensation would be paid to appellant-Davinder Kumar @ Raju.

We dispose of these two appeals filed by the claimants-appellants i.e. FAO-5935-2014 & FAO-5939-2014 with a direction to Insurance Company to deposit a crossed-cheque of Rs.10,0000/- (Rupees Ten Lakh only) (including the amount of compensation awarded by MACT i.e. Rs.3,75,316/-) in the name of appellant No.1-Shiksha Devi (in FAO-5935-2014) and a crossed cheque of Rs.5,35,000/- (including the amount of compensation awarded by learned MACT i.e. Rs.1,39,904/-) in favour of Davinder Kumar @ Raju with the office of the Lok Adalat of the High Court on or before 21.01.2025 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.

When the Insurance Company has been directed to pay the amount of compensation granted by learned MACT and enhanced by this Forum, the appeals filed by the driver and owner are disposed of as the issues raised in these appeals do not survive at the moment.

All the pending applications in all these appeals stand disposed of in view of the settlement.

We must appreciate the gesture, composure and work ethic of legal department led by Mr.Aditya Sharma, Manager (Legal) and Mr. Divyam Suri,

Manager (Legal) of ICICI Lombard Ins. Co. Ltd. and his counsel Mr. Nigam K. Bhardwaj, Advocate for excellent representation towards settlement in these case.

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

A photocopy of this order be placed on the file of connected cases.

(J.C. VERMA)
PRESIDENT

27.11.2024
Atul

(ARVIND KUMAR)
MEMBER