



Daily Lok Adalat

Bench No.1

506

FAO-200-2017 (O&M)

GURPREET SINGH V/S MOHAN LAL AND ANR

Present: Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma, Advocate
for the appellant.

Mr. P.H.S. Pannu, Advocate
Mr. Nigam K. Bhardwaj, Advocate and
Mr. Sachin Gupta, Advocate
for the Insurance Company

As agreed, as per statements of learned counsel for the appellant and learned counsel for the Insurance Company (separately recorded), a sum of Rs.30,00,000/- (Rupees Thirty Lakh only) over and above the amount awarded by the Tribunal is allowed to the appellant in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellant, the enhanced amount be paid to appellant-Gurpreet Singh.

However, as per statement of learned counsel for the respondent-insurance Company, it is made clear that so far as amount of Rs.30,00,000/- enhanced compensation as agreed by the appellant and respondent-Insurance Company in this appeal is concerned, in view of the statement by learned counsel for the Insurance Company, Insurance Company will be having no right to recover the same from the owner/driver of the offending vehicle and however, the recovery rights already given by the MACT to Insurance Company regarding amount awarded by MACT will remain intact as the owner/driver was proceeded ex-parte before the MACT and he has not filed any appeal against the finding of the MACT. The driver/owner has not caused any appearance before this Hon'ble High Court in response to the notice having been served upon him.

Learned counsel for the Insurance Company has referred to an order dated 02.04.2024 passed by a coordinate Bench of this Forum in FAO-5571-2018 wherein the similar direction has also been issued.

We dispose of this case with a direction to Insurance Company to deposit a crossed-cheque in the sum of Rs.30,00,000/- (Rupees Thirty Lakh only)

in the name of the appellant-Gurpreet Singh with the office of the Lok Adalat of the High Court on or before 22.01.2024 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. It is made clear that the waiver of recovery rights only applies to the enhanced compensation and not to the amount of compensation awarded by the MACT, allowing the insurance company to recover the amount of compensation from the owner/driver. The appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

Civil Misc. Application seeking condonation of delay of 497 days in filing the appeal is disposed of in view of the settlement.

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

(J.C. VERMA)
PRESIDENT

10.12.2024
Atul

(ARVIND KUMAR)
MEMBER