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FAO-5571-2018

RAKESH KUMAR AND ORS V/S DILSHAD AND ORS

Present: Mr.Ketan Antil, Advocate for the appellants.
Mr.P.H.S.Pannu, Advocate,
for respondent No.3 – Bajaj Allianz Gen. Ins. Co. Ltd.

* * * *

As agreed, as per statements of learned counsel for the appellants and learned counsel for the Insurance Company (separately recorded), a sum of ₹15,00,000/- (₹ Fifteen Lakh Only) 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 be paid to appellant Nos.1 and 2 in equal shares.

However, as per statement of learned counsel for the respondent-Insurance Company, it is made clear that so far as amount of ₹15,00,000/- enhanced compensation as agreed by the appellants and respondent-Insurance Company in this appeal is concerned, Insurance Company will be having no right to recover the same from the owner 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 said finding has not been challenged by owner of the offending vehicle.

Accordingly, we dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque for ₹15,00,000/- in the respective names of appellant Nos.1 and 2 in equal shares with the office of

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the Lok Adalat of the High Court on or before 14.05.2024, in compliance of this order, failing which, interest @ 9% per annum shall follow on this amount from the date of this order till payment. The concerned Officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheques to learned counsel/representative of the respondent-Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheques from the office of the Lok Adalat.

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

(R.K.Nehru)
President

(Ram Chand Gupta)
Member

02.04.2024
P.Seth