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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
NATIONAL LOK ADALAT

+ **MAC.APP. 56/2018**

BHARTI AXA GEN INS CO LTD

..... Appellant

Through: Mr. Hitesh Shakya Advocaate along
with Mr. Rishabh Kondilya, Manager

versus

GORKI DEVI & ORS

..... Respondents

Through: Mr. Kunal Kukreja, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN(PRESIDING OFFICER)

MR. K. VENKATRAMAN, ADVOCATE (CO-MEMBER)

ORDER

11.05.2024

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1. Appellant insurance company has filed an appeal for reduction of the award dated 03.11.2017 passed by the Learned MACT, awarding a compensation of Rs. 9,68,000/- along with interest @ 9% p.a. from the date of filing of claim petition. On appeal, the insurance company deposited entire awarded amount with up to date interest in terms of the order dated 07.09.2018 passed by this Hon'ble Court to be deposited before the Registrar General of this Hon'ble Court.

2. We have interacted with the learned counsel/parties concerned. Apropos such interaction and deliberation, it is agreed between the parties that out of the deposited amount along with the accrued interest, lump sum amount of Rs. 1,00,000/- shall be refunded to the appellant insurance company and balance amount along with up to date total interest shall go to respondent/Claimant(s). Learned Counsel for the Insurance Company also submits that the statutory amount with interest, if any, may be refunded to the

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Insurance Company.

3. In view of the above, Registrar General is directed to refund the lump sum amount of Rs. 1,00,000/- to the insurance company and balance amount lying deposited before the Registrar General along with total accrued interest be released in favour of respondent (s) in terms of the award.

4. We note that vide order dated 17.11.2023, the appellant was substituted by ICICI Lombard General Insurance Company Limited.

5. Needless to say that the appellant shall be entitled to refund of the statutory amount along with interest, if any. Direction is issued to the Registry to refund the statutory amount with interest, if any, to ICICI Lombard General Insurance Company Limited.

6. We wish to clarify that though the matter has been settled before Lok Adalat, any claimant would be at liberty to move appropriate application before the concerned learned Tribunal, in case he seeks pre-mature release or refund on account of any extreme exigencies or any compelling reason. In such a situation the learned Tribunal would be at liberty to take up such application and to decide the same in accordance with law.

7. In terms of the aforesaid, the present appeal along with pending application (s) stand disposed of.

8. A copy of this order be sent to the concerned learned Tribunal with LCR, if already received.

(MANOJ JAIN)
PRESIDING OFFICER

K. VENKATRAMAN
CO-MEMBER

MAY 11, 2024/sw

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