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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

NATIONAL LOK ADALAT

\+ **MAC.APP. 853/2019**

NEW INDIA ASSURANCE CO LTD ..... Appellant

Through: Mr. Ravi Sabharwal and Mr. JPN Shahi, Advocates.

versus

SANTOSH & ORS (IFFCO TOKIO GEN. INS. CO. LTD.) ..... Respondents

Through: Mr. S.N. Parashar, Advocate for Respondent/claimant(s).

CORAM:
DR. SUDHIR KUMAR JAIN, PRESIDING OFFICER
MR. K. VENKATRAMAN, ADVOCATE (CO-MEMBER)

O R D E R

% **09.03.2024**

Appellant insurance company has filed an appeal for reduction of the award dated 21.08.2019 passed by the Learned MACT awarding compensation of Rs.7,91,996.80/-(Rs.11,31,424-Rs.3,39,427.20 i.e. 30% on account of contributory negligence) in the ratio of 70:30 along with interest @ 9% p.a. from 26.07.2018 till its realization. In the said award, it is ordered that the 30% of the awarded amount of Rs.7,91,996.80/- along with interest @ 9% from 26.07.2018 till its realization shall be paid by appellant New India Assurance Co. Ltd.

After comprehensive discussions, it is agreed between the parties that out of the awarded amount along with the interest, the appellant insurance company shall pay the above mentioned amount along with interest 9% from 26.07.2018 till realization after deducting the lump sum amount of Rs.25,000/- as agreed between the parties. It is also agreed between the parties that in case the insurance company shall be able to show that they have deposited the awarded amount along with the interest, in that event lump sum amount of Rs.25,000/- shall be refunded to the insurance company and rest of the amount along with the total interest shall go to the respondent/claimant(s). It is agreed between the parties that the present settlement shall be full and final.

Learned Counsel for the Insurance Company also submits that the statutory amount with interest, if any, may be refunded to the Insurance Company.

In terms of the settlement, the respondent/Insurance Company is directed to deposit (if not deposited) the above mentioned settled amount along with interest @ 09% per annum from 26.07.2018 till the date of deposit after deducting the lump sum amount of Rs.25,000/- before the concerned tribunal within a period of 06 weeks.

The said amount be directed to be released to the respondent (s)/claimant forthwith as per the proportions of the award subject to fulfilment of all the requisite formalities.

The statutory amount with interest, if any, be refunded to the Insurance Company.

The present appeal along with the pending application(s), if any, is disposed of with directions in terms of the foregoing settlement.

A copy of this order be sent to concerned Ld. Tribunal with LCR, if requisitioned and received.

DR. SUDHIR KUMAR JAIN, J

K. VENKATRAMAN
CO-MEMBER

MARCH 09, 2024/j