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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
NATIONAL LOK ADALAT
+ **MAC.APP. 813/2016 & CM APPL. 46902/2022**

HDFC ERGO GENERAL INSURANCE CO LTD Appellant

Through: **Ms. Suman Bagga Advocate.**

versus

KUSUM SHARMA & ORS

..... Respondents

Through: **Mr. Idresh Ahemad and Mr. Vijay Pal Singh, Advocates with Ms. Kusum Sharma and Mr. Harsh, Claimants.**

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 16.07.2017 passed by the learned MACT, awarding a compensation of Rs. 14,54,799/- 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 with UCO Bank, Delhi High Court branch in terms of the order dated 05.10.2016 and 50% of the awarded amount along with accrued interest was released in favour of the respondents/claimants vide order dated 23.05.2017 passed by 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, principal amount of Rs. 10,98,0000/- along with interest @ 9% p.a. from the date of claim petition i.e. 19.12.2012 till the date of deposit and thereafter @ accrued rate shall go to the respondent/claimant(s) and balance principal amount of Rs. 3,56,000/- along with interest @ 9% p.a. from 19.12.2012 till the date of deposit and thereafter @ accrued rate shall be refunded to the appellant insurance company. It is agreed between the

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parties that the claimant shall get the balance settled amount after adjusting the amount already received.

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

4. In view of the above, concerned Tribunal is directed to refund the principal amount of Rs. 3,56,000/- along with interest @ 9 per cent per annum from 19.12.2012 till the date of deposit and thereafter at the accrued rate and the balance principal amount of Rs. 10,98,000/- along with accrued interest to the respondent (s) / claimant (s) as per the terms of the award.

5. Learned counsel for the respondent submits that the respondent had also filed cross objection which was registered as Cross Objection bearing No. 851/2017. In view of the settlement, the said Cross Objection has not been pressed. It is also submitted that vakalatnama has also been filed. We order accordingly.

6. It is made clear that the respondent (s) /claimant (s) shall get the aforesaid payment after adjustment of the amount already released.

7. Needless to say that the appellant shall be entitled to refund of the statutory amount along with interest, if any. 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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