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**BEFORE THE HIGH COURT OF CHHATTISGARH AT
BILASPUR (CHHATTISGARH)**

M.C.C. No. 146 of 2013 (S.B.)

APPLICANT
Respondent no. 2

: The New India Insurance Company
Limited, First Floor, Thakker
Chambers, Power House, G.E. Road,
Durg District Durg (C.G.)

R. No. 116/13
Presented by Shri. Raj. Awasthi
Dated 21.12.13

VERSUS

RESPONDENTS/
Non-Applicant no. 1

1. Sanjay Singh Rajput, S/o Chhannu
Singh Rajput, aged about 21 years,
resident of village Jamgaon, P.S. &
Tah. Saja, Distt. Durg (C.G.)

Non-Applicant no. 2

2. Muktanand Gupta, Son of Shri C.L.
Gupta, aged about 40 years,
resident of N.H. 51/1, village
Bhatapara, Tah. Saja, District
Durg (C.G.)



SURNAME CO. LTD.
USED SIGNATORY

RECALL OF COMPROMISE AWARD DATED 20.01.2013

PASSED IN MEGA LOK ADALAT



XI-HC-78

03/09/14

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. No. 146/13 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	LOK ADALAT	
	30.08.2014	
	<p>Mr. Raj Awasthi, counsel for the appellant/ Insurance Company.</p> <p>None for the Respondents.</p> <p>This is an M.C.C. by the Insurance Company wherein prayer has been made to recall the compromise award dated 20.01.2013 whereby an amount of Rs.50,000/- was agreed to be paid by the Insurance Company to respondent No.2.</p> <p>Learned counsel for the applicant would further submit that in the instant case since the driver of the offending vehicle was not having valid and effective driving license, there was clear breach of terms of Policy, therefore, the compromise award dated 20.1.2013 has wrongly been made and hence he prays for recalling of the compromise award dated 20.1.2013.</p> <p>There is no representation on behalf of the non-applicants/ respondents.</p> <p>Since the compromise award dated 20.1.13 has been called in question, therefore, the entire original case file along-with award, which was under challenge in M.A.(C). No.1032/2010, was perused. In such appeal, the original award which was passed in claim case No.107/2009 by the XII Addl. Claims Tribunal dated 30.06.2010 was challenged. A perusal of such</p>	





XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. NO. 146/10 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक वैधा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>award shows that in respect of Issue No.3, the learned Tribuna has given a categorical finding that in absence of any evidence led by the Insurance Company, it cannot be held that there was breach of policy. Such finding with respect to Issue no.3 is given by the learned Claims Tribunal.</p> <p>On a query being made, it is stated that the Insurance Company has already paid the amount in terms of the original award passed by the Claims Tribunal meaning thereby, the Insurance Company has accepted the liability. The said appeal No.1032/2010 was filed by Sanjay Singh Rajput and the appeal was not on behalf of the Insurance Company. Therefore, the finding which was given at Para 9 of the award has reached its finality in absence of any challenge to the award. The initial award was passed for Rs.14,127/- which was compromised with an additional amount of Rs.50,000/- and the same has already been paid.</p> <p>In that view of the matter, now at this stage when the compromise award has already been passed on 20.1.2013, the prayer to recall the said compromise award cannot be entertained. Therefore, the submission made by learned counsel to recall the order passed in the Lok Adalat held on 20.1.2013 do not have any force as it will amount to interfering with the hearing of the appeal on behalf of the Insurance Company.</p> <p>We do not find any merit in the M.C.C., warranting</p>	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. No. 146/12 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Reo	<p>interference in the compromise award dated 20.1.2013. Accordingly, the petition is dismissed. Consequently, M.A(C) No.1032/2010 filed by the claimant also stands disposed of in terms of the award dated 20.1.2013.</p> <p>Sd/-</p> <p>(Justice Goutam Bhaduri) Judge - Lok Adalat High Court of Chhattisgarh Bilaspur (C.G.)</p>	<p>Sd/-</p> <p>Member - Lok Adalat High Court of Chhattisgarh BILASPUR</p>