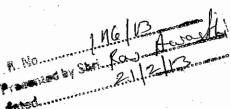




## BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

M.C.C. No. 146 of 2013 (5.B.)

APPLICANT
Respondent no. 2



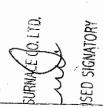
RESPONDENTS/ Non-Applicant no. 1 : The New India Insurance Company
Limited, First Floor, Thakker
Chambers, Power House, G.E. Road,
Durg District Durg (C.G.)

#### **VERSUS**

- 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.)



RECALL OF COMPROMISE AWARD DATED 20.01.2013

PASSED IN MEGA LOK ADALAT





# उच्च न्यायालय, छत्तीसगढ, बिलासपुर

आदेश पत्रक (पूर्वानुबद्ध)

गदेश का दिनांक ु आदेश क्रमांक

हस्ताक्षर सहित आदेश

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

#### LOK ADALAT

30.08.2014

Mr. Raj Awasthi, counsel for the appellant/ Insurance Company.

None for the Respondents.

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.

compromise award dated 20.1.2013.

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

There is no representation on behalf of the non-applicants/ respondents.

Since the compromise award dated 20.1.13 has been called in question, therefore, the entire original case file along-with ward, which was under challenge in M.A.(C). No.1032/2010, In such appeal, the original award which was was perused. passed in claim case No.107/2009 by the XII Addl. Claims Tribunal dated 30.06.2010 was challenged. A perusal of such





आदेश का दिनांक

#### उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

#### आदेश पत्रक (पूर्वानुबद्ध)

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार हस्ताक्षर सहित आदेश था आदेश क्रमांक के अंतिम आदेश award shows that in respect of Issue No.3, the learned Tribuna has given a categorical finding that in absence of any evidence lec 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.

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.

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.

We do not find any merit in the M.C.C., warranting

XI-HC-78

### उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

### मामला क्रमांक M.e.c. २० भू मामला क्रमांक

आदेश पत्रक (पूर्वानुबद्ध)		
आदेश का दिनांक तल्प आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयोन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	interference in the co	mpromise award dated 20.1.2013.
	Accordingly, the petition	is dismissed. Consequently, M.A(C)
	No.1032/2010 filed by the	le claimant also stands disposed of in
. 4	terms of the award dated	20.1.2013.
Reo		
	Sd/-	Sd/-
	(Justice Goutam Bhaduri) Judge - Lok Adalat High Court of Chhattisgarh Bilaspur (C.G.)	Member - Lok Adalat High Court of Chhattisgarh BLASPUR
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