

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAI PUR BENCH, JAI PUR

S. B. Civil Msc. Appeal No. 2052/2009
(Sanjay Vs. Sher Mbhammed & Ors.)

Date of Judgment :: 30.4.2015

HON BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. Rakesh Bhargave, counsel for the appellant.
Mr. S. R. Jatav, counsel for the Insurance Company.

This appeal has been filed against the judgment and award passed by MACT for enhancement of the quantum of compensation.

Mr. S. R. Jatav Advocate appears on behalf of the Insurance Company.

Keeping in view the pious work of Lok Adalat, at this stage the counsel for both the parties i.e. the claimants and the insurance company agree that this appeal may be disposed on the basis of the compromise. The learned counsel for the insurance company gave consent for enhancing the amount of the award i.e. Rs. 35,000/- (Rs. Thirty Five Thousand).

The enhanced amount shall be in addition to the award amount and the claimants appellants are held entitled to get the aforesaid amount.

In view of above, this appeal is partly allowed and it is directed that the insurance company shall deposit the aforesaid amount with the learned Tribunal within a period of 12 weeks from the date of receipt of certified copy of this order and the same shall be disbursed to the claimants. In case the amount is not paid to the claimants within a period of 12 weeks, the claimants shall be entitled to interest on the enhanced amount @ 9% per annum from the date of passing of this

judgment. Rest of the terms under the award shall remain unchanged. However, it is made clear that if there is any breach of insurance policy or violation of the terms of the policy, the insurance company shall be at liberty to move an application before the executing court for recovering the amount from the owner of the offending vehicle or he can move an application before this court for recalling of the order.

The impugned award stands modified, as indicated herein-above.

(**Ma**hesh Chandra Sharma) J.

Suresh

All corrections made in the judgment /order have been incorporated in the judgment /order being E-mailed.

SK Sharma
PS