

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR.

S.B.Civil Misc. Appeal No.1981/2015
(Munni Devi & Ors. Versus Jaiveer & Ors.)

DATE OF JUDGMENT : 31/08/2016

HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. Anshuman Saxena, for appellant/s.
Mr. Avdhesh Purohit, for respondents/Ins. Company.

This appeal has been filed against the impugned judgment and award passed by the Motor Accident Claims Tribunal.

Keeping in view the pious work of Lok Adalat, at this stage, the counsel for both the parties i.e. the claimant/s and the insurance company agree that this appeal may be disposed of 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. 1,50,000/- (Rupees One Lakh Fifty Thousand).

In view of above, this appeal is partly allowed; the claimant(s)-appellant(s) is/are held entitled to get the aforesaid amount from the Insurance Co. and the Insurance Co. is directed to deposit the aforesaid enhanced amount with the learned Tribunal within a period of eight weeks from the date of receipt of certified copy of this judgment and the same shall be disbursed to the claimant/s immediately. In case the amount is not paid to the claimant/s within the stipulated period of eight weeks, the claimant/s shall be entitled to interest @ 9% per annum on the enhanced amount from the date of receipt of certified copy of this judgment. It is made clear that the aforesaid enhanced amount shall be in addition to the amount awarded by the learned Tribunal. 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 they can move an application before this court for recalling of the judgment/order.

The impugned award stands modified, as indicated here-in-above.

(MAHESH CHANDRA SHARMA)J.

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