

HIGH COURT OF MADHYA PRADESH: INDORE BENCH
National Lok-Adalat
Miscellaneous Appeal No.1509/2019

Smt. Shantibai Wd/o Mangilalji and others
Vs.
Sanjay Kumar S/o Kamlesh Kumar and others

Appellants by Shri Akhilesh Saxena, Advocate.
Respondent No.3/Insurance Co. Ltd.
by Shri Mayank Upadhyay, Advocate.

Heard on IA No.1929/2019 i.e. an application filed under Section 5 of Limitation Act for condoning the delay of 124 days in filing this appeal.

Learned counsel for the Insurance Company has no objection.

On due consideration, application stands **allowed**. Delay stands condoned.

Pending I.As. if any, stand closed.

A W A R D
(Passed on this 30th day of January, 2021)

This appeal by the claimants has been filed for enhancement of compensation awarded by Member M.A.C.T., Rajgarh (Bioara) in Claim Case No.1/2017 decided on 07/08/2018 and has been placed today in this National Lok Adalat under Section 20 of the Legal Services & Authorities Act, 1987.

02. The matter was discussed. After hearing Counsel appearing for both parties and after perusing the relevant record, we are of the considered opinion that the compensation awarded by the Claims Tribunal is on lower side and deserves to be enhanced by **Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only)**. We, therefore, suggested that the matter should be settled on these terms.

03. Accepting our suggestion, the parties have entered into a settlement and have filed an application for recording the same. The application is signed by the representatives of the parties. The compromise between the parties is verified. It is

just, valid and lawful. It is, therefore, ordered to be recorded. Accordingly, an award is passed in the following terms :-

(a) That, in addition to the amount already awarded by the Claims Tribunal, respondent No.3/Insurance Co. Ltd. shall pay a sum of **Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only)** towards full and final satisfaction of the claim made by the appellant(s) in this appeal.

(b) That, the respondent No.3/Insurance Co. Ltd. shall deposit the said amount in the Claims Tribunal for payment to the appellant(s) within a period of three months from today, failing which this additional amount shall be recoverable with interest calculated at the rate of 9% per annum from the date of this award.

(c) After deposit of the aforesaid amount, Claims Tribunal shall permit appellant(s) to withdraw the same.

(d) Since the matter has been settled between the parties in this Lok Adalat, the Court fees, if any, paid by the claimant(s) be refunded without any deduction on issuing certificate by the Registry in view of direction given by the Division Bench of this Court in the case of **Ramesh Chandra vs. State of M.P.** reported in ILR 2012 M.P. 320.

(e) Parties to bear their own costs.

(f) Both the parties have agreed to settle the appeal/both the appeals in **Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only)** in addition to the amount already deposited before the Claims Tribunal in full and final satisfaction of the claim by the Insurance Company.

04. Copy of this Award be given to both the parties free of charge.

(Justice Vivek Rusia)
Member

(Vivek Patwa)
Member

Aiyer*

Digitally signed by
Jagdishan Aiyer
Date: 2021.02.04
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