
(2023) 02 RAJ CK 0027

In the Rajasthan High Court

Case No : S.B. Civil Miscellaneous Appeal No. 1477 Of 2008

New India Assurance Company Ltd

APPELLANT

Vs

Gordhanram And Others

RESPONDENT

Date of Decision : 10-02-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151

Citation : (2023) 02 RAJ CK 0027

Hon'ble Judges : Yogendra Kumar Purohit, J

Bench : Single Bench

Advocate : Dhanpat Choudhary, Mudit Vaishnav, Rajesh Panwar

Final Decision : Disposed Of

Judgement

Yogendra Kumar Purohit, J

The appellant Insurance Company has filed the instant civil misc. appeal against the judgment and award dated 21.7.2008 passed by the Motor Accident Claims Tribunal (First), Jodhpur in MAC Case No.70/2007 "Gordhanram Vs. Hanumansingh & Ors."

Learned counsel for the appellant Insurance Company has moved an application under Section 151 CPC for disposal of the present appeal on the basis of compromise arrived at between the parties.

It is submitted by learned counsel for the appellant that during pendency of the appeal, the parties i.e. the appellant and the claimant respondent No.1 have compromised the matter and agreed mutually to settle the matter at Rs. 3,21,000/- as a full and final settlement other than the amount already deposited by the appellant company and the appeal may be disposed of in terms of the compromise arrived at between the parties.

Learned counsel for the respondent No.1-claimant also submitted that the matter has been compromised between the parties and they have settled the matter at

Rs.3,21,000/- in addition to the amount already deposited by the appellant insurance company with the learned Tribunal as a full and final settlement of the claim.

In view of the above, it is directed that the appellant insurance company shall pay the agreed amount of Rs. 3,21,000/-to the respondent No.1 claimant as a full and final settlement of the claim case in addition to the amount already deposited. The agreed amount shall be deposited by the appellant Insurance Company with the Tribunal within a period of two months from today. Upon deposit of the amount, the same shall be disbursed to the claimant in accordance with law. The award impugned passed by the learned Tribunal is modified accordingly. The record, if received, be returned to the Tribunal forthwith.

The civil misc. appeal and the application stand disposed of accordingly.