
(2020) 10 MP CK 0257

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 108 Of 2016

Prembai

APPELLANT

Vs

Sachin & Ors

RESPONDENT

Date of Decision : 23-10-2020

Acts Referred:

Legal Services Authorities Act, 1987 — Section 20

Citation : (2020) 10 MP CK 0257

Hon'ble Judges : Virender Singh, Member;Mini Ravindran, Member

Bench : Division Bench

Advocate : Shalabh Sharma, Monesh Jindal

Final Decision : Partly Allowed

Judgement

1. This appeal by the claimant has been filed for enhancement of compensation awarded by Member M.A.C.T., Kukshi, Dist. Dhar in Claim Case No.201/13 decided on 05/10/2015 and has been placed today in this National Lok Adalat under Section 20 of the Legal Services & Authorities Act, 1987.

2. 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.45,000/-(Rupees Forty Five Thousand Only). We, therefore, suggested that the matter should be settled on these terms.

3. 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/Insurance Co. Ltd. shall pay a sum of Rs.45,000/-(Rupees Forty Five Thousand Only) towards full and final satisfaction of the claim made by the

appellant(s) in this appeal.

(b) That, the respondent/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 applicant(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 Court fees, if any It is agreed between the parties that if Court fees is paid 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.45,000/-(Rupees Forty Five 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.

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