



Daily Lok Adalat

Bench No.1

507

FAO-233-2023

JONNY SAINI AND ANOTHER VS. RAMBABU AND OTHERS

Present: Mr. J.P. Sharma, Advocate
for the appellants.

Mr. B.K. Bagri, Advocate for respondent No.2.

Mr. Punit Jain, Advocate and
Mr. Sandeep Suri, Advocate along with
Ms. Suman, Manager and
Mr. Vivek Suman, AM
for National Ins. Co. Ltd.

Kanta Devi aged about 52 years running a cosmetic store died in a motor vehicular accident that had taken place on 06.05.2018. Learned MACT had awarded a compensation of Rs.10,86,000/-, considering the income of Rs.8,000/- per month.

Learned counsel for the claimants-appellants states that learned MACT had not taken into account the ITR of deceased showing the income of Rs.2,55,000/- per annum for the financial year 2016-17.

Learned counsel for the Insurance Company states that the solitary ITR without any computation chart may be interest/rental/commission income which would still persist even after the death, thus, cannot be accepted. It has also been pointed out by the Insurance Company that learned MACT has fallen in error while not deducting 1/3rd on account of personal expenses though future prospectus had been awarded 10%. However, for the sake of settlement, the Insurance Company is ready to increase the income from Rs.8,000/- to Rs.11,000/- without future prospectus of 10% and without 1/3rd deduction and ready to increase the multiplier from 10 (applied by MACT) to 11 and also under the conventional heads and the enhancement comes to Rs.6,00,000/- including interest at the rate of 3% (instead of 7%) from the date of petition i.e. 09.07.2018. This is acceptable to learned counsel for the appellants. This Forum also feels that this offer is genuine.

As agreed, as per statement of the representatives of the Insurance Company and counsel for the appellants, (separately recorded today), a sum of Rs.6,00,000/- (Rupees Six Lakh only) more, over and above, the amount awarded by the Tribunal is allowed to the appellants, in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants the enhanced amount would be paid to the appellants No.1 and 2 in equal share.

We dispose of this case with a direction to Insurance Company to deposit a crossed-cheque in the sum of Rs.6,00,000/- (Rupees Six Lakh only) in the name of the appellants No.1 and 2 in equal share with the office of the Lok Adalat of the High Court on or before 08.09.2025 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellants' counsel/appellants may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied /sent to the counsel/parties and file be returned to the High Court.

(J.C. VERMA)
PRESIDENT

28.07.2025
Atul

(ARVIND KUMAR)
MEMBER