

BEFORE THE HON'BLE MOTOR ACCIDENT CLAIMS TRIBUNAL AT
SURAT

Claim Case No. 953/2012

Applicant: KIRANBEN AMARBHAI BUDHVANI

Versus

Opponent: (3) Future Generali India Ins. Co. Ltd.

Compromise Pursis

The undersigned applicant and the Opponent No.3 Insurance company most respectfully submit as under:-

1. That we have settled this matter out of court by negotiation with each other and accordingly we submit this settlement pursis before this Hon'ble Tribunal.
2. That as per settlement the Opponent No. 3 Insurance Company has agreed to pay to the applicant as compensation an amount of Rs. 1,75,000/- (ONE LACS AND SEVENTY FIVE THOUSAND ONLY) as full and final settlement of the present claim and the applicant has agreed to accept the said amount in full discharge of this claim.
3. Upon its payment the parties hereto are absolved from any responsibilities of any claim arising from the claim petition. The interim relief amount if paid shall be deducted.
4. The Opponent No. 3 shall deposit the aforesaid amount within a period of three months from the date of settlement and in default thereof, the Opponent No. 3 shall be liable for interest on the above said amount from the date of default realization at the rate of 6% p.a.
5. That the applicant's remaining claims stands withdrawn unconditionally.
6. This settlement amount includes the No Fault Liability Amount, if any paid, medical bills and all the other expenses barred by the applicant/s.
7. That since the matter is settled between applicant and opponent No. 3 the claim against Opponent No. 1 & 2 stands disposed off.
8. The above said compromise may please be recorded and the claim may please be disposed off accordingly as the matter is settled out of Court.
9. Both the parties have agreed to bear their own costs.
10. The parties hereto have voluntarily and freely settled the claim on the aforesaid terms and pray the Hon'ble Tribunal to pass the award in terms of these present.
11. This settlement will not affect in any manner whatsoever, the cognate cases arising out of the said event in all respect including admission or contribution if liabilities.

28/11/2022
Date: 12/8/2022

Place: SURAT

Kiran A. Budhvani

Applicant



Opp. No. 3 Insurance company

With power to settle.

Ad. S. G. Desai
Applicant's Advocate

Darshan Shah
(Darshan G. Shah)
Advocate

Advocate of Opp. No. 3

Received

20/11/22
M.A.C. Tribunal (Audi)
Surat

ANNEXURE

MOTOR ACCIDENT CLAIM PETITION NO. 953 of 2012.

The parties have made to the satisfaction of this NATIONAL LOK ADALAT the compromise for **Rs. 1,75,000/- (Rupees One Lakh Seventy Five Thousand Only)**

The compromise is recorded as per Order below Exh.30.

Accordingly, Award be drawn in terms of compromise.

The Opponent Insurance company shall deposit the amount of compensation as per compromise within 30 days from the date of this Order.

As per the section 21 of the Legal Service Authority Act 1987 where a compromise or settlement has been arrived at, in a Lok Adalat in case referred to it under sub-section (1) of Sec.20, the court fee paid in such case shall be refunded in the manner provided under the Court Fees Act., 1870 (7 of 1870)

It is provided in the sec.16 of Court Fees Act.1870 that where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the claimant shall be entitled to a certificate from the court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such plaint. Hence, no court fee is required to be deducted in this case and if any court fee is paid the claimant is entitled to get refund of the same.

(A) Applicable to case wherein amount of compensation is up to Rs.1 lakh:-

Upon deposit of amount before the Nazir of this Tribunal, it is directed that the entire amount of settlement including the amount of medical bills be paid to the applicant/applicants equally by A/C payee cheque, after proper identification.

(B) Applicable to case wherein amount of compensation is more than Rs.1 lakh.

Upon deposit of amount before the Nazir of this Tribunal, it is hereby directed that the amount of medical bills of **Rs.NIL/-** be paid by A/c Payee Cheque and out of remaining amount, 50 % amount be deposited in F.D.R in any Nationalized Bank for a period of 5 (Five) years and remaining 50% amount be paid to the applicant/s equally by Account Payee Cheque after proper identification.

(C) The entire amount coming to the share of minor applicant no..... be kept in FDR in any nationalized bank in the name of the minor through their guardian or for a period of 5 years till the minor applicant attaining the age of the majority, whichever is latter. However, the Applicant shall be entitled for the periodical interest on the FDR.

(D) The Insurance Company is directed to deposit the Award amount with interest as per the direction given by the Hon'ble Supreme Court in Writ Petition(s) (Civil) No. 534/2020 through RTGS or NEFT mode in the account of Additional District Judge Surat, the details of account are as under:

1. Branch : State Bank of India,
Nanpura Branch, Surat.

A/c. Name: Additional District Judge, Surat.

A/c. No. : 40750729019

IFSC : SBIN0001388

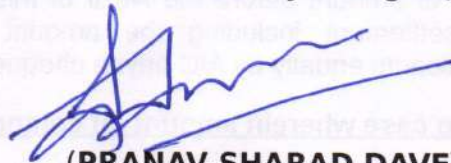
MICR : 395002004

After deposited the awarded amount in this account, the Insurance Company shall inform and send the copy of said bank advice to the MACP Tribunal through email I.D. No. dcourt-mact-sut@gujarat.gov.in

- (E) The Applicant/Applicants has/have not submitted the details as per the direction given by the Hon'ble Supreme Court in Writ Petition(s) No. 534/2020, therefore, the applicant/applicants has/have directed to provide the details of PAN Card, Aadhar Card and Saving Bank Account for transfer of compensation as per the direction given by the Hon'ble Supreme Court in Writ Petition(s) (Civil) No. 534/2020.

The conditions as regards the F.D.R. will be made at the time of withdrawal of amount.

Signed and pronounced in open Tribunal on 13th day of August, 2022, at Surat.



(PRANAV SHARAD DAVE)

Motor Accident Claim Tribunal(Auxi)

Surat.

UID.GJ01544

Date : 13/08/2022