

HRSO010038352019



Presented on : 28-03-2019
Registered on : 28-03-2019
Decided on : 25-03-2021
Duration : 1 years, 11 months, 28 days

**Before Shri Rajesh Sharma, Motor Accident Claims Tribunal,
Sonipat. UID No.HR-0148**

MACP/173/2019

1. Smt. Pushpa wife of late Khub Chand,
2. Neelam Verma wife of Virender Verma, daughter of Khub Chand,
3. Neetu daughter of late Khub Chand,
4. Raj Kumar son of late Khub Chand,
5. Rajnesh son of late Khub Chand,
6. Chandr Rani wife of Har Charan,
7. Haracharan son of late Lathore.

All residents of village Nari, District Jalaun, U.P.

...Petitioners/claimants.

Versus

1. Sunil Kumar son of Ram, resident of House No.231, Railway Colony, Nasirpur Banger, District Sonipat.
(Driver of offending vehicle bearing registration No.HR-69-C-9893)
2. Suresh Kumar son of Ram, resident of House No.231, Railway Colony, Nasirpur Banger, District Sonipat.
(Owner of offending vehicle bearing registration No.HR-69-C-9893)

3. IFFCO TOKIO General Insurance Company Ltd. Through its Regional Manager, Unit No.23-24, 1st Floor Pearl Omaxe Mall, Netaji Subhash Place, Pitampura, Delhi.
(Insurer of offending vehicle bearing registration No.HR-69-C-9893).

...Respondents

Claim petition under section 166 of the Motor Vehicles Act, 1988.

Present - Claimants in person with Shri Lokesh Kumar, Advocate.
 Shri O.P.Saini, Advocate for respondents No. 1 & 2.
 Shri Vijay Rajput, Advocate for respondent No.3.

AWARD:-

The petitioners have filed the present claim petition under Section 166 of the Motor Vehicles Act, 1988 against the respondents seeking compensation to the tune of Rs. Fifty lacs on account of death of Khub Chand, husband of petitioner No.1, father of petitioners No. 2 to 5 and son of petitioners No. 6 & 7, in a motor vehicular accident, which took place on 24.01.2019 in the area of Police Station Ganaur, due to rash and negligent driving of vehicle bearing registration HR-69-C-9893 by respondent No.1.

2. File was taken up before the Daily Lok Adalat. The parties settled their dispute amicably. It has been agreed between the learned counsel for the petitioners and learned counsel for respondent No.3 – IFFCO TOKIO General Insurance Company that respondent No.3 - IFFCO TOKIO General Insurance Company would pay a sum of **Rs.14,20,000/- (Rs.Fourteen lacs and twenty thousands only)** as compensation in full and

final settlement of the claim of the petitioners. The said amount has been voluntarily accepted by the learned counsel for the petitioners in full and final settlement and the petitioners shall not make any further claim in respect of the death of Khub Chand, in the accident in question. Statement of the petitioners, their counsel as well as learned counsel for respondent No.3 – insurance company recorded separately in this regard.

3. Accordingly, an award of **Rs.14,20,000/- (Rs.Fourteen lacs and twenty thousands only)** is passed in favour of the petitioners, which shall be payable by respondent No.3 – insurance company. The payment of awarded amount shall be payable within 60 days w.e.f. 25.03.2021, failing which the said Insurance Company shall have to pay interest at the rate of 9% per annum from the date of filing of the petition till realization of the amount under award. It is made clear that out of total amount of Rs.14,20,000/-, petitioner No.1 being widow of deceased Khub Chand is entitled to Rs.8,00,000/-, whereas petitioners No.2 to 5 being major children of deceased Khub Chand is entitled to receive the compensation amount of Rs.one lac each (total Rs.4,00,000/-), claimant No.6 being mother of deceased Khub Chand is entitled to receive Rs.2,00,000/- and claimant No.7 father of deceased Khub Chand is entitled to receive remaining amount of Rs.20,000/- out of total compensation amount of Rs.14,20,000/-. It is made clear that 50% of the awarded amount of claimant No.1 shall be kept in the shape of FDR for a period of three years in any Nationalized bank of her

choice and thereafter, the bank shall released the said FDR after its maturity of its own, whereas, share of remaining claimants shall be released in cash.

4. Memo of costs be prepared accordingly and file be consigned to the record room after due compliance.

Announced in Lok Adalat.
On 25.03.2021.

virender sharma, J.W.

(Rajesh Sharma)
Motor Accidents Claims Tribunal,
Judge, Daily Lok Adalat, Sonipat
UID No.HR-0148