

ORDER BELOW EXH. 1

M.A.C.P. NO. 1112 OF 2018

The parties have made to the satisfaction of this L.A. the compromise for **Rs.3,05,000/- (Rupees THREE LAKH FIVE THOUSAND ONLY) including medical bills.** The compromise is recorded as per settlement pursis produced at **Exh.21.**

Accordingly, the present petition is disposed of and Award be drawn in terms of compromise.

The Opponent **No. 2 MAGMA HDI GENERAL INSURANCE CO. LTD.** 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 Permanent 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 plaintiff 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.

Upon deposit of amount before the Nazir of this Tribunal, it is hereby directed that the amount of medical bills of **Rs.55,000/-** 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 by Account Payee Cheque after proper identification.

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 11th day of December, 2021, at Rajkot.

Date : 11/12/2021.

(Prashant Jain)
Motor Accident Claim Tribunal (Special)
Rajkot.
UID Code GJ01507