

## Motor Accident Claim Tribunal Jhansi

Date of Institution: 03/09/19 Date of Judgement: 28/07/20 Age: 0 Y, 10 M, 25 D

**M.A.C.P. No. – 435/2019,**

1. Smt. Poona, 29, W/o Late Sri Gaya Prashad
2. Vishnu Pal, 7, (Minor) S/o Late Sri Gaya Prashad
3. Mahesh Pal, 6, (Minor) S/o Late Sri Gaya Prashad  
all minors through their mother, natural guardian Smt. Poona W/o Late Sri Gaya Prashad
4. Ram Singh, 68, S/o Late Sri Chhidami  
all resident of vill – Jujharpura PO – Erach Teh – Garautha Distt. – Jhansi

-----Petitioners

Vs.

1. Jitendra Singh S/o Sri Ram Gopal R/o Mahuan Dera Gayatri Nagar, Chirgaon P/s Chirgaon Distt. – Jhansi (U.P.)  
... .. Owner Tractor No. U.P. 93 AY 5336
2. Magma HDI General Insurance Company Limited, Fifth Floor, Halwasia Commerce House, 11 Mahatma Gandhi Road, Habibullah Estate, Hazratganj, Lucknow (U.P.)  
... .. Insurer Tractor No. U.P. 93 AY 5336

-----Opposite Parties

Counsel for the Petitioners Sri Arun kumar Gupta Advocate

Counsel for the O.P. No. 1 Sri Dushyant Kumar Rajput

Counsel for the O.P. No. 2 Sri Sunil Shukla

**28.07.2020**

The compromise case was presented in the Virtual Court on 22.07.2020. Petitioners Smt. Poona, Vishnu Pal (Minor), Mahesh Pal (Minor) through guardian mother Smt. Poona and Ram Singh and their Ld. Advocate Shri Arun Kumar Gupta and Opposite Party No. 2 Magma HDI General Insurance Company Limited, through its Ld. Advocate Mr. Sunil Shukla appeared.

A reconciliation between the Petitioners and the O.P. No. 2 Magma HDI General Insurance Company Limited has been arrived at and the compromise/settlement paper has been presented before the Tribunal. The photocopies of the Aadhaar cards of the Petitioners have also been filed with the compromise/settlement paper. Compromise/settlement paper 19B has been attested in the presence of the both side. The compromise/settlement paper has been read over and explained to the both parties. As per the terms of the said settlement, O.P. No. 2, the Insurance Company will pay ₹ 8,00,000/- (Rupees Eight Lakhs) as compensation to the petitioners in full satisfaction, which the petitioners agree to take. The Settlement 19B has been affirmed before the Tribunal by the bonafide parties. Therefore,

according to the compromise/settlement paper 19B, the Petition is liable to be decided in full satisfaction.

**ORDER**

The petition is decided according to the terms of the compromise/settlement paper 19B. Opposite Party No. 2 Magma HDI General Insurance Company Limited is ordered to deposit a compensation amount of ₹ 8,00,000/- (Rupees Eight Lakhs) to the Motor Accident Claim Tribunal's Syndicate Bank Account No. 92352010008560 IFSC- SYNB0009235 through RTGS/NEFT within 30 days. On depositing the said compensation, the Petitioners Nos. 1, 2, 3 and 4 shall share 35, 25, 25 and 15 % of the compensation amount respectively. The 25% amount of the shares of the Petitioners Nos. 1 and 4 shall be transferred into their bank accounts through electronic mode and remaining 75 % of their shares shall be deposited in the highest interest carrying fixed deposits in any nationalized bank for 5 and 3 years respectively, annuity of which shall be paid in their bank accounts. Share amount of the Petitioners No. 2 and 3 shall be fixed deposited in any highest interest carrying scheme till their majority.

The Compromise Agreement 19B shall form part of this order. The award should be prepared accordingly. The file be consigned as per rules.

(Chandroday Kumar)  
PO, MACT, JHANSI