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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE**

ON THE 29th OF SEPTEMBER, 2023

MISC. PETITION No. 3279 of 2023

BETWEEN:-

**NATIONAL INSURANCE COMPANY THROUGH TP HUB
INCHARGE THROUGH BAHADURGARH DIVISION
DELHI ROHTAK ROAD NEAR CANRA BANK
BAHADURGARH DISTRICT JHAJJAR HARYANA
HAVING TP HUB INCHARGE LASHKAR (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI S.N. GAJENDRAGADKAR - ADVOCATE)

AND

- 1. HARI SINGH PARIHAR S/O SHRI LATTU PARIHAR,
AGED ABOUT 55 YEARS, GRAM LUDHWALI WARD
NO 16 SHIVPURI DEHAT THANA SHIVPURI
(MADHYA PRADESH)**
- 2. BARKAT ALI S/O SHRI PAHLU KHAN, AGED
ABOUT 27 YEARS, OCCUPATION: DRIVER GRAM
CHHAISA, HATHIN THANA, PALWAL, DISTRICT
FARIDABAD (HARYANA)**
- 3. ROHIT ANAND S/O SHRI MOHINDAR ANAND
HOUSE NO. 29/1 2 ND FLOOR OLD RAJENDRA
NAGAR CITY NEW DELHI, STATE DELHI (DELHI)**

.....RESPONDENTS

(SHRI SURESH AGARWAL - ADVOCATE FOR RESPONDENT NO.1)
.....

*This petition coming on for hearing this day, the court passed the
following:*

ORDER

The present petition under Article 227 of the Constitution of India has
been filed challenging the order dated 11.12.2021 (Annexure P/1) passed by

Lok Adalat in Claim Case No.98/2021, whereby a settlement was recorded between the claimant and Insurance Company.

Learned counsel for the petitioner had assailed the aforesaid order on the premise that at the time of settlement the driving license of the driver of the offending vehicle bearing No.HR7420080003656 was got verified from the Website and after finding it to be a genuine driving license, the settlement was arrived but later on when the said license was verified from the concerning RTO, it was found that the driving license of the offending vehicle was never issued from the said RTO. It was further argued that since the very driving license of the driver of the offending vehicle was a forged document, therefore, the Insurance Company was not liable for compensation claimed and the settlement arrived at between the Insurance Company and the Claimants in Lok Adalat requires to be recalled and the Claim Petition pending before Fourth MACT, Shivpuri deserves to be heard on its own merits.

Counsel for the petitioner in support of contention raised above has placed reliance on the order dated 01.02.2023 passed in ***M.P. No.3340/2022 in the matter of National Insurance Company Ltd. vs. Smt. ASha Kavet & ors.***, wherein while relying upon the judgment passed by this Court in ***W.P. No.1022/2015 (New Insurance Assurance Co. Ltd. Vs. Smt. Parwati and Ors.)*** in similar set of facts had recalled the order passed in Lok Adalat and restored the claim case to its own number. To bolster his submissions, he also placed reliance in the matter of State of ***Punjab and another Vs. Jalour Singh and ors. reported in 2008(2)SCC 660.***

Per contra, Shri Suresh Agarwal, learned counsel for respondent No.1/claimant submits that the dispute which has been raised by the Insurance Company by way of present petition is *inter se* dispute between the owner of

the offending vehicle and the Insurance Company and the claimants have nothing to do with the said dispute and as only sum of Rs.6000/- has been settled between the parties, therefore, the present petition does not deserves to be allowed and the petitioner/Insurance Company be directed to pay the amount of Rs.6000/- as has been settled in the Lok Adalat.

Upon hearing counsel for the parties and after perusing the record and the judgments cited by the learned counsel for the petitioner, this Court finds that present petition deserves to be allowed. The order passed in Lok Adalat dated 11.12.2021 is hereby set aside and the claim case No.98/2021 is restored to its own number for adjudication on its own merits.

As the matter has been relegated back to the Claims Tribunal for fresh adjudication of the matter, the claimants would be entitled for the interest even for the period which has been spent in litigation at the behest of the Insurance Company and the Insurance Company or the Owner/Driver cannot shred their liability for payment of interest for the aforesaid period as the delay was not in pursuance to the fault of the claimants.

With the aforesaid, the petition stands disposed of.

(MILIND RAMESH PHADKE)
JUDGE