

FAO No. 3240 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

FAO No. 3240 of 2016

Date of Decision: 10.8.2016

Gurmeet Singh alias Mohna and another

---Appellants

versus

Balvinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Himanshu Puri, Advocate
for the appellants**

Rekha Mittal, J.

The present appeal has been directed against the award passed by the Motor Accident Claims Tribunal, Fazilka (in short “the Tribunal”) whereby compensation has been awarded in respect of the injuries sustained by Balvinder Singh in a motor vehicular accident and liability has been fastened upon respondent Nos. 1 and 2 (appellants herein) i.e. driver and owner of the alleged offending vehicle.

To challenge observations and validity of the award, counsel for the appellants has two fold submissions to make. The first submission made by counsel is that as a compromise was effected between the parties, in pursuance whereof, the appellants paid an amount of Rs. 1,00,000/- to Smt. Jaswinder Kaur alias Sukhwinder Kaur wife of Balvinder Singh injured, the injured victim is estopped by his act and conduct to file the petition. Another submission made by counsel is that as the amount of Rs. 1,00,000/- was paid on 2.5.2013 and the petition for compensation was filed on 21.1.2015, the appellants are entitled to adjustment of interest at the rate of 9% per annum on the said amount out of compensation.

I have heard counsel for the appellants, perused the paper book particularly the award passed by the learned Tribunal.

The Tribunal has already allowed benefit of Rs. 1,00,000/- to the appellants while assessing their liability to pay the remaining compensation to the tune of Rs. 1,28,685/-. The mere fact that a compromise was effected between the parties on the basis whereof an amount of Rs. 1,00,000/- has been paid to the injured-victim or his wife is not sufficient to create an estoppel against legal right of the injured-victim to seek compensation. The mere fact that an amount of Rs. 1,00,000/- was

paid more than a year prior to institution of the petition would not entitle the appellants to seek any adjustment of interest.

In view of the above, I do not find any merit in the contention of the appellants.

Dismissed.

(Rekha Mittal)
Judge

10.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No