

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.2006 of 2002

Date of Decision.18.08.2017

Surinder Singh @ Surinder Kumar and anotherAppellants
Vs

Veena and othersRespondents

2. FAO No.2007 of 2002

Surinder Kumar and anotherAppellants
Vs

Angoori Devi and othersRespondents

3. FAO No.3227 of 2002

Veena and othersAppellants
Vs

Surinder Kumar and anotherRespondents

Present: Mr. Amandeep Singh Talwar, Advocate
for the appellants in FAO Nos.2006 and 2007 of 2002 and
for respondent No.1 in FAO No.3227 of 2002.

Mr. Eklavya Gupta, Advocate
for the appellant in FAO No.3227 of 2002 and
for respondent No.8 in FAO No.2007 of 2002 and
for respondents In FAO No.2006 of 2002.

Mr. R.C. Kapoor, Advocate
for respondent No.9 in FAO No.2007 of 2002.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

This order of mine shall dispose of three appeals bearing
Nos.2006, 2007 and 3227 of 2002. FAO Nos.2006 and 2007 are at the
instance of the driver and owner, Surinder Kumar and Rattan Singh of
tractor bearing registration No.HYX-1296 challenging the liability and FAO
No.3227 of 2002 is at the instance of the legal representatives of deceased-

Surinder Kumar for enhancement of compensation.

The Tribunal had fastened the liability upon the owner and driver of the offending tractor which was not insured. However, the insurance company of the car with which the accident took place is represented by Mr. Kapoor. In the execution application filed by claimants Veena Devi and Angoori Devi, they have suffered a statement of having arrived at a compromise between the owner and the statement of compromise of both the claimants read as under:-

“Joint statement of Decree holders Angoori Devi wd/o late Phool Chand, Ratti Ram son of Shri Kurdi Ram and Krishna Devi wife of Shri Ratti Ram, all residents of village Bihta, Tehsil & Distt. Ambala on SA

with Sh. Deepak Kumar, Advocate, counsel for the DHs.

In an award passed by the Motor Accident Claims Tribunal, Ambala vide order dated 31.1.2002, the decree holders were awarded compensation of Rs.4,08,000/- along with interest at the rate of 9% per annum from the date of petition till realization. Now a compromise has been arrived at with JDs/respondents and in the said compromise the JDs have agreed to pay Rs.2,75,000/- in lump sum against the total amount of award. The compromise has been reduced to writing which is Ex.C1. We have received the amount of Rs.2,50,000/- in cash from the JDs and the remaining amount of Rs.25,000/- which is lying deposited in the court shall be withdrawn by us. The amount of the share of minor DHs namely Mangat Ram, Sonia Devi, Sanjeev Kumar and Shammi Kumar has been received by DH Smt. Angoori Devi, being their mother and natural guardian. The amount of the share of minors has been deposited in fixed deposit in State Bank of India, Mall Road, Ambala Cantt. The photocopies of FDRs have been placed on the file. Now nothing is due against the JDs. As such we do not want to proceed further with the present execution petition and the same may be consigned to records as satisfied.

RO&AC RTI Angoori Devi MACT/Ambala 28.7.2005

Compromise

This compromise is made on this 27th day May, 2003 between

the petitioner-Veena and others and Surinder Kumar and others as under:-

1. That an award for following a sum of Rs.6,06,400/- along with interest @9% P.A. from the date of filing till realization was passed with the further order that an amount of Rs.40,000/- will be paid to the claimant No.5 and Rs.1,40,350/- shall be paid to the claimant No.2 to 4 each and a sum of Rs.1,45,350/- shall be paid to the claimant No.5.

2. That with the intervention of the respectable, the parties have compromised for a sum of Rs.4 lacs and it has been further proposed that a sum of Rs.40,000/- may be given to claimant No.5 and an amount of Rs.90,000/- be given to claimant Nos.1 to 4.

Judgment debtors/respondent claimant/DHs”

In view of the aforementioned, cause of action in the appeal bearing No.3227 of 2002 filed by the appellants-claimants for enhancement as well as the appeals bearing Nos.2006 and 2007 of 2002 filed by the owners does not survive, as the matter has been compromised. All appeals stand disposed of accordingly.

(AMIT RAWAL)
JUDGE

August 18, 2017

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No