

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23050 of 2018
Date of Decision:11.09.2018

Smt. Saroj Devi and another

. Petitioners

Vs.

Karmbir and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ashok K. Sharma (Bhana), Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the award/order dated 9.9.2017 passed by the National Lok Adalat-cum-Motor Accident Claims Tribunal, Jind on the ground that the awarded compensation is inadequate.

In brief, a petition under Section 166 of the Motor Vehicles Act, 1988 [for short 'the Act'] was filed for claiming compensation on account of the death of Jai Parkash in a vehicular accident caused on 6.4.2015. The said case was put up before the National Lok Adalat on the request of counsel for the parties where a settlement was arrived at between them and their statements were separately recorded. As per the compromise, the insurance company was to pay ₹8 lakh within a period of 45 days towards full and final payment otherwise they would have to pay interest @ 7.5% per annum from the date of award till the date of payment.

The said award has now been challenged by the widow and son of Jai Parkash on the ground of inadequacy of compensation and also on the ground that neither the matter was decided in their presence nor any consent for settlement was given by them. However, it is not denied that the matter

was resolved by the counsel appearing on behalf of the parties and the power of attorney, executed in favour of the counsel by the petitioners, contained a clause empowering him to enter into a compromise.

There is no allegation made against the counsel of any kind. Therefore, I am of the considered opinion that there is hardly any scope for interference in impugned order as it is based upon a compromise which has been entered into by the person authorized by the petitioners.

11.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*