

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**FAO-10581-2014 (O&M)
Date of Decision:10.09.2018**

Sehnaz & others

... Appellants

Versus

M/s SRS Real Estate Ltd. & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arjun Atri, Advocate for the appellants.

Mr. Barjinder Singh, Advocate for respondent No.1.

Ms. Vandana Malhotra, Advocate for respondent No.3.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CM-18978-CII-2018:

Instant application has been filed by the contesting respondent No.3/Insurance Company and the prayer is for disposal of the main appeal in terms of a compromise i.e. stated to have effected between the appellants/claimants and the Insurance Company.

Notice in the application.

Mr. Arjun Atri, Advocate representing the claimants/appellants accepts notice. A complete copy of the application was already furnished to the counsel.

In the light of the prayer made in the application and by recording a no objection from the counsel for the parties, the main appeal which otherwise was admitted is taken up for final disposal today itself.

Application is disposed of.

Main case:

This is claimants' appeal seeking enhancement of compensation.

Briefly, it may be noticed that in pursuance to a claim petition filed under Section 166 of the Motor Vehicle Act, the Motor Accident Claims Tribunal, Nuh has passed an award dated 16.03.2013 and in terms of which a compensation amount of Rs.5,55,500/- along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization has been awarded in favour of the claimants/appellants on account of death of Juber in a motor vehicle accident that took place on 10.06.2007.

Counsel representing the contesting respondent No.3/Insurance Company submits that after filing of the instant appeal, a compromise/settlement has been arrived at and in terms of which Insurance Company is ready and willing to pay an additional sum of Rs.1 lakh over and above the compensation amount already awarded by the Tribunal in the award dated 16.03.2013.

Learned counsel representing the claimants/appellants concedes to the factum of such settlement and makes a categorical statement that the appellants would be satisfied, if additional sum of Rs.1 lakh is awarded to them.

In terms of such consensus arrived at between the parties as also the settlement, the instant appeal is disposed of by directing respondent No.3/Insurance Company to deposit two demand drafts i.e. a demand draft for an amount of Rs.75,000/- in favour of appellant No.1-Sehnaz i.e. widow of deceased Juber as also mother and natural guardian of appellant No.2.

The second demand draft would be for an amount of Rs.25,000/- and drawn in the name of appellant No.4 i.e. Jaibun i.e. mother of the deceased. Both the drafts be deposited within a period of four weeks from today with the branch of Daily Lok Adalat of the High Court to be made over to appellant No.1, namely, Sehnaz as also appellant No.4.

Appeal is disposed of in the aforesaid terms.

10.09.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No