

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

Date of decision: 14.02.2018

FAO No.3750 of 2015 (O&M)

Oriental Insurance Company Ltd. ... Appellant

Versus

Kuldeep Sharma and others ... Respondents

FAO No.3752 of 2015 (O&M)

Oriental Insurance Company Ltd. ... Appellant

Versus

Chhote Lal Shah and others ... Respondents

FAO No.5427 of 2015 (O&M)

Chhote Lal Shah ... Appellant

Versus

Munish Kumar and others ... Respondents

FAO No.6873 of 2015 (O&M)

Kuldeep Sharma ... Appellant

Versus

Munish Kumar and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashwani Arora, Advocate
for the claimants.

Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for the insurance company.

Mr. Ujjal Singh, Advocate for
Mrs. Bhupinder Kaur, Advocate
for the owner and driver.

REKHA MITTAL, J. (Oral)

CM No.23789-CII of 2017 in FAO No.3750 of 2015
CM No.23785-CII of 2017 in FAO No.3752 of 2015
CM No.23788-CII of 2017 in FAO No.5427 of 2015

Heard.

Allowed as prayed for. Annexure R-1 (compromise dated
02.09.2015) is taken on record subject to just exceptions.

Main Cases

This order will dispose of FAO Nos.3750, 3752, 5427 and
6873 of 2015 as these have emerged out of the same accident that took
place on 31.12.2012 in which Kuldeep Sharma and Chhote Lal Shah
sustained injuries due to rash and negligent driving of Car No.CH-04-J-
6355 by Munish Kumar, its driver.

Counsel representing the injured claimants as well as owner
and driver of the offending vehicle, on instructions, would state that dispute
between the injured and private respondents has already been settled by
way of compromise and in pursuance thereof, the claimants have already
received the settled amount. They would state that in view of the
settlement, appeals filed by the claimants seeking enhancement of
compensation may be dismissed as withdrawn. The appeals preferred by the
insurance company (Oriental Insurance Company Ltd.) may be allowed and

award passed by the Tribunal holding insurance company liable to pay compensation to the claimants may be set aside.

In view of the above, appeals (FAO Nos.3750 and 3752 of 2015) filed by the insurance company are allowed. Awards passed by the Tribunal holding the insurance company liable to pay compensation to the injured victims are set aside.

The appeals preferred by the claimants (FAO Nos.5427 and 6873 of 2015) are ordered to be dismissed as withdrawn.

14.02.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No