

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

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**CM No.4774-CII of 2019 in/and
FAO No.5529 of 2009
Date of decision: 19.03.2019**

Veerpal Kaur and others

.....Appellants

Versus

Ikattar Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Anant Kataria, Advocate
for the non-applicants/appellants.

Mr. Rajneesh Malhotra, Advocate
for the applicant/respondent No.2-
insurance company.

ARUN KUMAR TYAGI, J (ORAL)

CM No.4774-CII of 2019

The applicant/respondent No.2-insurance company has filed the present application duly supported by an affidavit that the parties have compromised the matter and the insurance company is ready and willing to pay an amount of Rs.7,00,000/- over and above the amount awarded by the Tribunal within a period of six weeks and that the appeal be listed for final hearing and disposed of in terms of the compromise.

Vide order dated 05.03.2019 the appellants were required to file affidavit in this regard. In compliance thereof, appellant No.1- Veerpal Kaur has filed affidavit for herself and on behalf of appellant No.2-Baby Kamaldeep Sharma her minor daughter and appellant No.3-Sumitra Devi has separately filed her affidavit stating that the appellants have compromised the matter with respondent No.2-insurance company and agreed to accept the compensation of

Rs.7,00,000/-.

In view of the affidavits of the appellants, present application is allowed and the appeal is taken up for disposal as per compromise.

FAO No.5529 of 2009

The claimants-widow, minor daughter and mother of deceased Pardeep Kumar filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of his death in motor vehicular accident which took place on 09.02.2008.

The petition was allowed by the Tribunal which awarded an amount of Rs.3,67,000/- with costs and interest at the rate of 6% per annum to the claimants as compensation and ordered that out of the amount awarded, an amount of Rs.50,000/- be paid to the mother and remaining amount be paid in equal shares to widow and minor daughter of the deceased. The Tribunal directed respondents No.1 and 2 to pay the compensation jointly and severally.

Feeling aggrieved, the claimants filed the present appeal for enhancement of the compensation awarded by the Tribunal.

During pendency of the appeal, the claimants have compromised the matter with respondent No.2-insurance company which agreed under the compromise to pay an amount of Rs.7,00,000/- over and above the amount awarded by the Tribunal. The terms and conditions of the settlement were set out in the application filed by respondent No.2-insurance company duly supported by affidavit of Navjeet Singh, Deputy Manager Legal, Bajaj Allianz General Insurance Co. Ltd., SCO-156-159, 2nd Floor, Sector 9-C, Chandigarh and have

been acknowledged by the appellants in terms of the affidavits filed today.

The compromise will be in the interest of appellant No.2-minor daughter of deceased Pardeep Kumar as is discernible from the affidavit of her guardian-mother, appellant No.1 and is also certified by her counsel while making oral submissions for acceptance of the compromise. Therefore, permission to compromise on behalf of the minor appellant No.2 is granted.

In view of the compromise, where-under the respondent No.2-insurance company has agreed to pay and the appellants have agreed to accept amount of Rs.7,00,000/- over and above the amount awarded by the Tribunal in full and final settlement of the claim, the appeal is disposed of in terms thereof. Out of the amount of Rs.7,00,000/- payable by respondent No.2-insurance company to the claimants over and above the amount awarded by the Tribunal, amount of Rs.2,50,000/- shall be payable to appellant No.1-widow; amount of Rs.3,50,000/- shall be payable to appellant No.2-minor daughter and remaining amount of Rs.1,00,000/- shall be payable to appellant No.3-mother of the deceased.

Respondent No.2-insurance company is directed to make payment of the amount of Rs.7,00,000/- by way of three account payee cheques in the amounts as stated above payable in the name of appellant No.1-widow, appellant No.2-minor daughter and appellant No.3-mother of the deceased. The above said cheques shall be deposited in the Lok Adalat Branch of this Court within four weeks from receipt of copy of this order and shall thereafter be delivered to

the counsel for the claimants against proper acknowledgement. Share of appellant No.2-minor daughter shall be deposited in a nationalised bank under scheme permitting maximum rate of interest and shall be payable to the minor daughter on attaining the age of maturity while appellant No.1-widow of the deceased being guardian of minor daughter shall be entitled to utilise the interest earned towards welfare, education and upkeep of appellant No.2-minor daughter of the deceased.

(ARUN KUMAR TYAGI)
JUDGE

19.03.2019

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No