

504/2

FAO No. 3474 and 3919 of 2012

Manjit Kaur vs. Karamjit Singh and another

Present: Mr. Kewal Singh Advocate
for the appellant.

Gurpreet Singh for respondent No.2.

* * * *

Both the appeals are being disposed of by this common order.

Manjit Kaur and her husband Manjinder Singh received injuries in a Motor Vehicles Accident had taken place on 03.11.2008. Manjit Kaur was awarded a compensation of ₹ 2,33,668/-, whereas Manjinder Singh was awarded a compensation of ₹ 1,04,710/- along with interest @ 9% respectively vide award dated 16.03.2012 was passed by MACT, Ludhiana. The respondents were ex-parte.

Thus, the liability to pay the compensation was on respondent No.1-Karamjit Singh and respondent No.2-Mohinderpal Singh jointly and severally.

The present appeals have been filed for enhancement of compensation. Since the respondents had not deposited any amount and the case file indicated that Recovery Certificate had been issued by Additional District and Sessions Judge, Ludhiana asking Collector, Barnala to recover the amount of compensation from respondent Nos.1 and 2. This Forum had asked the Collector, Barnala to submit the status report.

The said authority submitted the report that total amount of ₹3,19,500/- including interest @ 9% p.a. up to 18.03.2019 has been deposited by respondent No.2-Mohinderpal Singh i.e. an amount of ₹ 2,20,500/- vide cheque No.267274 in FAO No.3474 of 2012 (Manjit Kaur) and ₹ 99,000/- vide cheque No.267273 in FAO No.3919 of 2012 (Manjinder Singh) (in both the cases) with MACT, Ludhiana.

Today both the appellants and Gurpreet Singh for respondent No.2 are present for further settlement.

Gurpreet Singh son of Mohinderpal Singh-respondent No.2 has made a statement with regard to deposit of above preferred amount along with interest and has also stated that he has further settlement in both the cases, on behalf of his father Mohinderpal Singh with the claimants on additional sum of ₹ 12,500/- each and same would be deposited within next 30 days, failing which he would liable for all consequences.

Both the respective claimants have also authenticated the said facts and endorse the said amount of ₹ 12,500/- each. They have also stated that in view of the settlement the present appeal be disposed of being settled.

In backdrop of the said situation since respondent No.2 has already deposited an amount of compensation along with up to interest awarded by MACT, Ludhiana and they have further settled for additional amount of ₹ 12,500/- each, in the present appeal which the respondent No.2 is required to deposit within next 30 days with MACT, Ludhiana, both the appeals stands disposed of accordingly on the basis of said settlement.

However, it is made clear that if the respondent does not pay the said amount within next 30 days before the MACT, Ludhiana the liberty is given to the claimants appellants to file an application for the revival of both appeals.

Copy of the order/settlement be supplied/sent to the counsel/parties and file be returned to the High Court.

(J. C. Verma)
President

(Arvind Kumar)
Member

29.03.2019
rekha