

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

CM No.7155-CII-2019 in/&
FAO No.3488 of 2018
Date of Decision:03.04.2019

Babu Lal and others

.....APPELLANTS

Vs.

Ranvijay and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DR. RAVI RANJAN

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

Ms.Manjeet Kaur, Advocate for
Ms.Vandana Malhotra, Advocate for respondent
No.3-Insurance Company.

DR. RAVI RANJAN, J.(Oral)

CM No.7155-CII-2019

This is an application filed on behalf of the appellants for preponing the date of hearing of the main appeal from 17.07.2019 to today itself with a further prayer to dispose of the matter in terms of the compromise reached between the appellants and respondent No.3-Insurance Company.

Heard parties.

Learned counsel for the applicants-appellants submits that the main appeal, i.e., FAO No.3488 of 2018 is pending before this Court on 17.07.2019. In the meantime, the matter has been discussed with respondent No.3-Insurance Company wherein the Insurance Company has made an offer for settlement of the present case by way of payment of enhanced compensation. As a result, the parties have entered into a compromise by which the Insurance Company has agreed to pay a sum of Rs.3,79,000/- more to the appellants over and above the

awarded compensation already paid by the respondent-Insurance Company.

In view of such compromise arrived at between the parties, the date of hearing of the main appeal is preponed from 17.07.2019 to today itself and the main case is taken up for final disposal.

Civil Misc. Application stands disposed of accordingly.

FAO No.3488 of 2018

Learned counsel appearing for respondent No.3-Insurance Company has produced four account payee cheques in Court today drawn in favour of claimants/appellants, i.e., Babu Lal, Raj Kumar, Rekha and Rajni Devi, bearing No.626788, 626899, 626905 and 626900 respectively all dated 23.03.2019 issued by the ICICI Bank for an amount of Rs.94750.00/- each in support of out of Court settlement reached between the parties. Total amount of the aforesaid cheques comes to Rs.3,79,000/- which is over and above the compensation amount already paid by the respondent-Insurance Company as per the Award of the Tribunal, i.e., Rs.11,3300/- along with interest @ 7.5% per annum.

However, it is contended by learned counsel for the appellants that Rs.11,3300/- along with interest @ 7.5% per annum has already been received by the appellants and in view of the additional payment for a sum of Rs.3,79,000/, the appellants are forgoing the interest allowed by the Tribunal. Learned counsel further submits that they will not seek interest upon the additional payment made by the respondent-Insurance Company.

The aforesaid cheques have been handed over to Mr.Arora, learned counsel representing the appellants in Court today and the same have been received by him during Court proceedings. Let photocopies of the aforesaid chques be taken in record.

Now, in the changed circumstances, learned counsel for the appellants does not want to pursue this appeal further.

Accordingly, this appeal is dismissed as withdrawn.

(DR. RAVI RANJAN)
JUDGE

03.04.2019
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No