

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

**FAO No.2325 of 2012 (O&M)
Date of Decision: March 14, 2019**

Suman and others

.....APPELLANTS

VERSUS

Satpal and others

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Nitin Rathee, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No. 5.

SURINDER GUPTA, J.(Oral)

Learned counsel for the parties submit that the matter has since been amicably settled and as per the settlement, respondent No. 5- Bajaj Allianz General Insurance Company Ltd. has agreed to pay compensation of ₹5 lakhs over and above, the compensation awarded by the Tribunal vide award dated 21.12.2011. This amount of ₹5 lakhs will include the amount of interest till date. The amount of ₹5 lakhs will be paid to the claimants/appellants within a period of six weeks from today. It is further submitted that mother of deceased namely Murti wife of Raghbir Singh has died, as such, her share to be apportioned amongst the remaining claimants.

In view of submissions of learned counsel for the parties, this appeal is allowed in the following terms:

(i) M/s Bajaj Allianz General Insurance Company Limited will deposit a sum of 5 lakhs with the Executing Court within a period of six weeks or pay the same to the appellants through cheque/demand draft, as per their share as follows:

(i) Appellant No. 1-Suman, 60% of the enhanced amount.

(ii) Appellants No. 2 and 3, 20% each of the award amount.

(ii) In case, appellants No. 2 and 3 are still minors, the amount of their share will be deposited in some bank of their choice in the shape of fixed deposits till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary harassment caused due to directions the bank usually gives to bring the order of the Tribunal to get the payment even after attaining the age of majority.

In the event of failure of respondent No. 5 to deposit/pay the enhanced amount of compensation within six weeks, it shall also be liable to pay the interest at the enhanced amount of compensation @ 7.5% from the date of filing of the appeal.

March 14, 2019
Jyoti-II.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No