

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

F.A.O.No.894 of 2006 (O&M)

Date of Decision: August 06,2020

Smt.Sona Devi & others

...Appellants

Versus

Ram Parkash & others

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

**Present: Mr. Ashit Malik, Advocate,
for the appellants.**

**Mr. Paul. S. Saini, Advocate,
for respondent No.4-Insurance company.**

MANOJ BAJAJ, J.

CM No.7579-CII of 2020

Learned counsel for the appellants has filed this application for withdrawal of CM No.7447-CII-2020, which was filed jointly with respondent No.4 for disposal of the main appeal on the basis of the settlement between the parties.

On 24.07.2020, the following order was passed in CM No.7447-CII of 2020:-

“During the course of hearing, it is not disputed by learned counsel for the applicant that the alleged compromise between the parties has not been reduced into writing much less signed by them. According to the learned counsel, the compromise is oral in nature.

When confronted with the maintainability of the application under Section 151 Code of Civil Procedure, as Order XXIII Rule 3 CPC contains express provision for adjudicating the dispute between the parties on the basis of compromise, learned counsel for the applicant prays for time

to do the needful.

On his request, adjourned to 06.08.2020”.

Mr. Ashit Malik, learned counsel for the appellants submits that the compromise between the parties has been reduced into writing, which is duly signed by them also. He has further pointed out that another application bearing No.7607-CII of 2020 for disposal of the above appeal on the basis of the compromise is also listed today. He has invited the attention of the Court to the compromise deed (Annexure A-3).

At this stage, Mr. Paul S. Saini, learned counsel for respondent No.4-Insurance company appears and fairly states that indeed the compromise has been arrived at between the parties, which is signed by the counsels for the parties as well.

In view of the above, the application is allowed and CM No.7447-CII-2020 is ordered to be dismissed as withdrawn.

CM No.7607-CII-2020 & FAO No.894 of 2006

Considering the above stand of the parties, CM No.7607-CII-2020 is allowed. The compromise deed between the parties (Annexure A-3) is taken on record and the main appeal is taken up for hearing on board today.

This appeal was filed by the claimants for modification of the award dated 09.11.2005 passed by the Motor Accident Claims Tribunal, Karnal in MACT case No.62 of 2005, whereby a sum of Rs.2,52,640/- was awarded as compensation on account of death of Harphool Singh, who lost his life in a vehicular accident. According to the appellants, the amount of compensation as awarded by the Tribunal is on lesser side and, therefore, a prayer has been made for enhancement of the compensation.

The present appeal was admitted on 29.09.2006.

Learned counsel for the appellants has contended that during the pendency of the appeal, parties have arrived at a compromise and a sum of Rs.13,50,000/- has been offered by respondent No.4-National Insurance Company Ltd. as the enhancement amount, over and above the compensation already awarded by the Tribunal. The application for disposal of the appeal on the basis of the compromise deed has also been filed jointly.

Mr. Paul S. Saini, learned counsel for the Insurance company states that a sum of Rs.13,50,000/- offered as enhancement amount has been accepted by the claimants and resultantly the dispute between both the contesting parties has been settled, therefore, appeal be disposed off in terms of the compromise.

After hearing the learned counsel for the parties and considering the compromise between them, it is apparent that the claim of the claimants stands satisfied and the appeal deserves to be allowed as the claimants have accepted a sum of Rs.16,02,640/- (Rs.2,52,640+13,50,000/-) as total compensation towards settlement of their claim against the Insurance company. Accordingly, the appeal is allowed and it is directed that the due payment of compensation be made to the appellants-claimants within a period of six weeks from the date of receipt of certified copy of this order. It is further made clear that the amount of compensation be paid by way of a crossed cheque/demand draft in favour of the claimants.

August 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No