

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
108 (PROCEEDINGS THROUGH V.C.)**

CM-8940-CII-2020 IN/AND FAO-5152-2008

DATE OF DECISION: OCTOBER 08, 2020

Smt.Santosh and others

.....Appellants

VERSUS

Shri Krishan and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

**Present: Ms. Sharmila Sharma, Advocate,
for the appellants.**

**Mr. Paul S. Saini, Advocate,
for respondent No.3.**

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-8940-CII-2020 IN/AND FAO-5152-2008

CM-8940-CII-2020 is a joint application moved under Order XXIII Rule 3 read with Section 151 CPC for disposal of the main appeal on the basis of a settlement, which has been entered into between the parties. It has been stated in the application that the parties have amicably settled the matter and have arrived at a mutual consensus that the appellants would be satisfied if the compensation is enhanced by ₹7,50,000/- under all heads of compensation, including interest component towards full and final settlement of the claim in the present appeal over and above the amount already awarded by the learned Tribunal. The mutually agreed/settled enhanced amount of compensation of ₹7,50,000/- is to be paid within a period of four weeks from the date of receipt of certified copy of the final order, disposing of the present appeal.

It has also been submitted by counsel for the parties that the enhanced amount of ₹7,50,000/-, which is over and above the awarded

amount, will be drawn in the name of Santosh-appellant No.1, relating to her share as well as the shares of minors. The said cheque obviously has to be paid within a period of four weeks from the date of receipt of certified copy of this order. Alongwith the application is appended affidavit of Santosh wife of Lt.Sh.Suresh Kumar, appellant No.1 dated 26.09.2020. In the light of the above, counsel for the parties submit that the appeal may be disposed of in the same terms.

In view of the joint application submitted by the parties, CM-8940-CII-2020 is allowed and the present appeal is taken on board and is disposed of in the light of the compromise as has been entered into between the parties, according to which an amount of ₹7,50,000/- under all heads of compensation, including interest component, towards full and final settlement of the claim in the present appeal has to be disbursed in the name of Santosh-appellant No.1. This enhanced amount of ₹7,50,000/-, which is over and above the amount already awarded by the Tribunal, shall be paid in the form of a cheque within a period of four weeks from the date of receipt of certified copy of the order. Counsel for respondent No.3 states that the cheque drawn in the name of Santosh-appellant No.1 would be handed over to counsel for the appellants against proper receipt, to which counsel for the appellants has no objection.

Accordingly, the present appeal stands disposed of in the above terms.

October 08, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No