

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(110) CM-10394-CII-2020 in/& FAO-10343-2014
Date of Decision: December 09, 2020

Umed Singh .. Appellant

Versus

Dharmender and another .. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Atul Yadav, Advocate, for non-applicant/appellant.

Mr. Sameer S. Tiwari, Advocate, for respondent No.1.

Mr. Rajbir Singh, Advocate, for applicant-respondent
No.2- Insurance Company.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-10394-CII-2020

Present application has been filed for preponing the hearing of the main appeal i.e. FAO No.10343 of 2014 and for disposing of the same in view of the compromise, which has been entered between the parties i.e. the Insurance Company and the claimant.

Learned counsel for the applicant/respondent No.2-Insurance Company submits that the parties have settled their dispute in an oral out of Court settlement with their free will and without any coercion and, therefore, the main appeal be disposed of in view of the said oral settlement.

Notice of the application to the counsel opposite.

Mr. Atul Yadav, Advocate, who appears through video conference, accepts notice on behalf of the non-applicant/appellant and does

not dispute the averments made on behalf of the applicant/respondent No. 2-Insurance Company.

In view the above, the application is allowed and on the request of learned counsel for the parties, the hearing of the main appeal i.e. FAO No. 10343 of 2014 is preponed from 17.03.2021 to today.

FAO-10343-2014

In the present case, the Motor Accident Claims Tribunal, Gurgaon, allowed a compensation of ₹14,89,000/- in favour of the appellant/claimant. Feeling aggrieved by the said compensation, the present appeal was filed.

During the pendency of the present appeal, this Court has been informed that the parties have already settled their dispute in an out of Court oral settlement, according to which, apart from the amount awarded by the Tribunal i.e. ₹14,89,000/-, another consolidated sum of ₹9,00,000/- will be released in favour of the claimant. Learned counsel appearing on behalf of the respective parties confirm the said oral agreement and jointly pray that the present appeal be also disposed of in terms of the oral settlement recorded above.

Keeping in view the above, the present appeal is disposed of in terms of the oral agreement noticed above, according to which, the appellant/claimant will be paid another sum of ₹9,00,000/- i.e. over and above the amount of ₹14,89,000/- awarded by the Motor Accident Claims Tribunal, Gurgaon, within a period of 7 days from the date of disposal of the main appeal as the Court has been informed that cross cheque/Demand Drafts of the said amount have have already been prepared in favour of the appellant/claimant.

Keeping in view the above, the present appeal is disposed of with a direction that the parties executed their oral compromise recorded above within the time frame decided between them.

December 09, 2020
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No