

**CM-9224-CII-2020 in/and
FAO No. 3494 of 2013 (O&M)
Date of Decision: 07.12.2020**

[illegible]

Sukhman Brar and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. B.S.Bisht, Advocate for the appellants.

Mr. Nigam Kumar Bhardwaj, Advocate
for respondent No. 3.

SANT PARKASH, J. (ORAL)

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

CM-9224-CII-2020

The prayer in the instant application is for preponement of the main appeal and for disposing of the same in terms of the oral compromise arrived between the appellants/claimants through their counsel and the applicant/respondent No. 3.

The application is allowed and the main appeal is preponed to today itself i.e. 07.12.2020.

FAO No. 3494 of 2013

The instant appeal has been preferred by the appellant/claimants for the enhancement of the compensation awarded vide award dated 29.01.2013 passed by the learned Motor Accident Claims Tribunal, Chandigarh.

The brief facts of the case are that on 17.08.2010, Sukhwinder Singh s/o Ravinder Singh along with his cousin brother Harpreet Singh s/o Dalbir Singh was riding motorcycle bearing registration No. PB-65-F-5085. When they reached near round about of Sector 1,2 and 3, Chandigarh, a car bearing registration No. CH-03-R-0018 came at high speed from High Court side in zig-zag manner and hit their motorcycle, due to which Sukhwinder Singh and his cousin brother received multiple injuries to which they succumbed in the hospital. A case vide FIR No. 175 dated 17.08.2010 under Sections 279, 337, 304-A IPC was registered against the driver of the offending vehicle in Police Station, Sector 3, Chandigarh. The appellants filed a claim petition before the Motor Accident Claims Tribunal for compensation on account of death of their son. Learned Motor Accident Claims Tribunal vide impugned award dated 29.01.2013 accepted the claim petition partly and awarded a sum of Rs. 10,02,800/- towards compensation.

Now, the aggrieved appellant/claimants have approached this Court through the instant appeal for the enhancement of the compensation awarded vide award dated 29.01.2013.

Learned counsel for the parties have stated that an oral compromise has been effected between the appellants/claimants and the respondent No. 3-Bharti Axa GIC Ltd. and to this effect, they have jointly filed an application bearing No. CM-9224-CII-2020 with a prayer to dispose of the instant appeal in terms of the said compromise. As per the said compromise, the Insurance Company has offered appellants/claimants a

payment of Rs. 2,50,000/- including interest as enhanced compensation over and above the compensation, as full and final settlement. It is further stated in the joint application that the Insurance Company shall deposit a cheque for a sum of Rs. 2,50,000/- in view of full and final settlement. It is pertinent to mention here that an affidavit duly sworn by Meera (appellant/claimant) has also been placed on record affirming the factum of compromise.

The instant appeal is disposed of in terms of the compromise arrived at between the parties. However, the parties shall abide by the terms of compromise arrived at in the above terms.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

07.12.2020
Avin/Maninder

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