

110 2nd case

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

**CM-9039-CII of 2020 and
CM-4368-CII of 2020 in/and
FAO No. 5206 of 2016**

Salamudeen and others

...Appellants

Vs

Naresh Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ankur Gupta, Advocate,
for the applicant-respondent No.2.

Mr. V.P.Sangwan, Advocate,
for the appellants.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CM-9039-CII of 2020

This is an application for preponing the main case, which is already pending for 25.01.2021.

For the reasons stated in the application, the same is allowed and main case is taken up on Board for hearing today itself.

CM-4368-CII-2020

This is an application for disposing of the main case on the basis of amicable settlement arrived between the appellants and insurance company. It has been averred in the application that the matter has been mutually settled between the parties. Accordingly, the claim of the appellants would stand satisfied if the compensation is enhanced to the tune of Rupees one lakh under all heads of compensation towards full and final settlement of claim, including interest component, over and above the amount awarded by the Tribunal. The said proposal of the claimants-

appellants has been accepted by respondent No. 2-insurance company.
Keeping in view the above, the application is allowed.

Main case

As per both the counsels, a mutual settlement has been arrived at. Per compromise, respondent No. 2-insurance company will pay Rupees One lakh to the claimants-appellants under all the heads of compensation, including interest component, towards full and final settlement of claim over and above the amount already awarded by the Tribunal. Learned counsel for respondent No.2-Insurance Company states that he will hand over the cheque amounting to Rupees one lakh to learned counsel for the appellants.

In the premise, the appeal stands disposed of. The parties shall remain bound by the terms of the compromise which shall be treated as part and parcel of the Award. Cheques will be handed over within 30 days from today failing which, the amount payable shall invite a penal interest @ 15% per annum from the date of passing of the instant order till the actual date of payment. The appellants are at liberty to reopen the matter, in case of any default in payment on behalf of respondent No. 2.

OCTOBER 12, 2020

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No