

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.8376 of 2015 (O & M)
Date of Decision: *September 21, 2020*

Anu Joshi & another

..... PETITIONER(S)

VERSUS

Vijay Kumar & others

..... RESPONDENT(S)

. . .

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

. . .

PRESENT: - Mr. Ashwani Arora, Advocate, for the appellant.

Mr. Rajesh Verma, Advocate, for respondent No.3.

. . .

Sant Parkash, J

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

CM No.8551-CII of 2020

The instant petition has been filed jointly by counsel for the appellants as well as counsel for respondent No.3 – Insurance Company, for early hearing of the main appeal as the matter has been compromised amicably between both the contesting parties.

The application is allowed and main appeal viz. FAO no.8376 of 2015 is taken up for final disposal.

CM No.26443-CII of 2015

After hearing learned counsel for the parties; grounds mentioned in the application, as also the fact that matter has been compromised, delay of 341 days in filing the appeal is condoned.

Application stands allowed.

FAO No.8376 of 2020

The present appeal has been filed by the appellants seeking enhancement of compensation of ₹ 10,33,000/- granted vide Award dated 19.07.2014 passed by the Motor Accident Claims Tribunal, Chandigarh (for short, 'Tribunal'). The appellants had filed a claim petition for grant of compensation from the respondents on account of death of Nitish Joshi, brother of appellant No.2 – Naresh Joshi, who succumbed to injuries sustained in an accident that took place on 29.12.2012, involving a mini bus bearing No.CH-04-D-0037, which was being driven by respondent No.1 – Vijay Kumar at high speed, rashly and negligently.

A joint application bearing CM No.8551-CII of 2020 has been filed by counsel for the appellants and respondent No.3 – Insurance Company, to the effect that matter has been amicably settled between the parties and respondent No.3 would pay an amount of ₹ 3,70,000/- over and above the amount of compensation granted by the Tribunal.

The appeal stands disposed of in view of compromise subject to the condition that the entire amount of compensation, if not already paid, including the enhanced amount, will be disbursed to the appellants – claimants according to the share determined by the Tribunal. The appellants will supply the bank details within one week, whereafter respondent No.3 – Insurance Company shall deposit the entire amount of

enhanced compensation within one week, failing which, it shall entail interest at the rate awarded by the Tribunal.

(Sant Parkash)
Judge

September 21, 2020
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No