

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

**FAO-1496-2018(O&M)
Date of decision : 15.09.2020**

Kamaljit Kaur and others

..... Appellants

versus

Gagandeep Avasthi and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Ankit Rana, Advocate for the appellants.

Mr.Sachin Ohri, Advocate for the applicant-
respondent No.2-insurance co.

TEJINDER SINGH DHINDSA, J. (ORAL)

CM-7657-CII-2020

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per averments made in the application a settlement has been arrived at between the claimants and the insurance company.

Prayer in the application is for disposal of the main appeal in the light of the settlement arrived at.

Notice was issued in the application.

Mr.Ankit Rana, Advocate has entered appearance on behalf of the appellant-non-applicants and concedes to the factum of settlement having been arrived at.

In view of the above, the date in the main appeal is preponed

from 28.10.2020 and taken on board today itself.

Application disposed of.

Main case

This is claimants appeal seeking enhancement of compensation.

Deceased in the present case was Ranjit Singh who had died in a motor vehicle accident on 15.02.2016. Claim petition under Section 166 of the Motor Vehicles Act, 1988 had been filed by the parents of the deceased as also his brother. Vide award dated 05.05.2017 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib an amount of Rs. 7,45,000/- had been awarded towards compensation in favour of appellants No. 1 and 2 i.e. parents of the deceased. Brother namely Amandeep Singh was not held entitled to any compensation.

As per counsel representing the insurance company a settlement has since been arrived at and as per which the insurance company is ready and willing to pay a sum of Rs.3,30,000/- over and above the sum awarded by the Motor Accident Claims Tribunal.

Mr.Ankit Rana, counsel for the appellants admits the settlement so arrived at.

Even the affidavits of Kamaljit Kaur w/o Jagdish Singh and Jagdish Singh son of Harnek Singh i.e. parents of the deceased have been placed on record in support of the compromise. Both the deponents i.e. parents of the deceased have deposed that they are ready to receive Rs.3,30,000/- over and above the compensation amount awarded by the Tribunal towards full and final settlement.

In view of the above, the instant appeal is allowed. The amount awarded is modified to the extent of enhancing the amount of compensation

from Rs. 7,45,000/- and appellants No. 1 and 2 are now held entitled to an additional compensation amount of Rs. 3,30,000/- as per settlement arrived at.

Statement of Mr.Sachin Ohri, counsel for respondent No.2- insurance company is recorded that the additional/settlement amount would be released in favour of appellants No.1 and 2 within a period of four weeks from today.

Appeal is accordingly disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September15, 2020
sunita

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