

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

221

**CM No.9073-CII of 2016 and  
CM-8031-CII-2020 in/and  
FAO-2459-2016  
Date of decision: 25.08.2020**

|                          |        |                  |
|--------------------------|--------|------------------|
| Meena and others         | Versus | .....Appellants  |
| Krishan Kumar and others |        | .....Respondents |

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Kulwant Singh Dhanora, Advocate  
for the appellants.

Mr. Rajneesh Malhotra, Advocate  
for respondent No.3-insurance company.

\*\*\*\*

**ARUN KUMAR TYAGI, J (ORAL)**

**CM No.9073-CII of 2016**

Prayer in this application filed under Section 5 of the Limitation Act, 1963 is for condonation of delay of 1410 days in filing of the appeal.

Learned counsel for respondent No.3-insurance company has no objection if the application is allowed.

In view of the facts and circumstances of the case and no objection, the application is allowed and delay of 1410 days in filing of the appeal is condoned.

**CM-8031-CII-2020**

Prayer in this application filed under order 32 rule 6(1)(a) of the Civil Procedure Code, 1908 is for grant of permission to compromise the claim on behalf of minor appellant No.4/claimant No.4-Deepak as other appellants/claimants have attained majority during pendency of the petition/appeal.

The application is supported by affidavit of the

guardian/appellant No.1 and certificate of the counsel. As per the compromise, respondent No.3-insurance company is ready and willing to pay an amount of Rs.4,80,000/- over and above the amount awarded by the Motor Accidents Claims Tribunal, Kaithal (for short, "the Tribunal").

In view of the facts and circumstances of the case and the fact of the compromise being in the welfare of the minor appellant No.4/claimant No.4-Deepak, the present application is allowed and permission to compromise is granted as prayed for.

**FAO-2459-2016**

The claimants-minor daughters and son of deceased Chhotu Ram filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of his death in motor vehicular accident which took place on 22.03.2010. The petition was allowed by the Tribunal which awarded amount of Rs.5,45,500/- with interest at the rate of 7.5% per annum as compensation payable to the claimants in equal shares by the respondents jointly and severally.

Feeling aggrieved, the claimants filed the present appeal for enhancement of the compensation awarded by the Tribunal.

During pendency of the appeal, the claimants have compromised the matter with respondent No.3-insurance company which has agreed under the compromise to pay an amount of Rs.4,80,000/- over and above the amount awarded by the Tribunal.

In view of the above, the appeal is allowed in terms of compromise and respondent No.3-insurance company is directed to pay

amount of Rs.4,80,000/- over and above the amount awarded by the Tribunal in full and final settlement of the claim of the appellants/claimants. Respondent No.3-insurance company shall pay the above said amount by crediting the same into the accounts of the appellants/claimants (particulars of which shall be furnished by learned counsel for the appellants/claimants to learned counsel respondent No.3-insurance company within ten days from receipt of copy of this order) in equal shares through RTGS or any other digital mode within one month from the date of receipt of particulars of the accounts of the appellants/claimants failing which the amount of Rs.4,80,000/- shall be recoverable with interest at the rate of 7.5% per annum from the date of filing of the petition till realization. On such credit, appellants/claimants No.1 to 3 shall be entitled to withdraw the amounts credited to their respective accounts but the amount credited to the account of minor appellant No.4/claimant No.4-Deepak shall be deposited in FDR in his name under scheme permitting maximum rate of interest till attaining of majority by him. Copy of the FDR shall be filed in the registry by learned counsel for the appellants/claimants which shall be attached with the paper book. On attaining of majority, appellant No.4/claimant No.4-Deepak shall be entitled to withdraw the amount of the FDR with interest accrued thereon without requirement of passing of any further order by this Court or the Tribunal.

25.08.2020

Vinay

(ARUN KUMAR TYAGI)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No