

CM-9705-CII-2020 in/and FAO-886-2019;
CM-9704-CII-2020 in/and FAO-498-2019;
CM-9703-CII-2020 in/and FAO-494-2019; -1-
CM-9719-CII-2020 in/and FAO-15897-2018 and
CM-9700-CII-2020 in/and FAO-15933-2018

103

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

Date of decision: 03.12.2020

- 1. CM-9705-CII-2020 in/and FAO-886-2019**

GaneshiAppellant.
vs.

Suresh and othersRespondents.

- ## 2. CM-9704-CII-2020 in/and FAO-498-2019

Master Kali CharanAppellant.

Suresh and others**Respondents.**

- ### 3. CM-9703-CII-2020 in/and FAO-494-2019

Ganeshi and others vs. **.....Appellants.**

Suresh and othersRespondents.

- #### 4. CM-9719-CII-2020 in/and FAO-15897-2018

Rohit AhirwarAppellant.
vs.

Suresh and othersRespondents.

- 5. CM-9700-CII-2020 in/and FAO-15933-2018**

Rahul**Appellant.**

vs.

Suresh and others**Respondents.**

**CM-9705-CII-2020 in/and FAO-886-2019;
CM-9704-CII-2020 in/and FAO-498-2019;
CM-9703-CII-2020 in/and FAO-494-2019; -2-
CM-9719-CII-2020 in/and FAO-15897-2018 and
CM-9700-CII-2020 in/and FAO-15933-2018**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. G.S. Gopera, Advocate,
for the appellants.

Mr. Ankur Gupta, Advocate,
for applicant-respondent No. 3.

.....

Sanjay Kumar, J. (ORAL)

CM-9705-CII-2020 in FAO-886-2019
CM-9704-CII-2020 in FAO-498-2019
CM-9703-CII-2020 in FAO-494-2019
CM-9719-CII-2020 in FAO-15897-2018
CM-9700-CII-2020 in FAO-15933-2018

Applications are ordered and the hearing of all these appeals
is advanced to today from 18.02.2021.

Main appeals

These five appeals (i.e. FAO-886-2019; FAO-498-2019;
FAO-494-2019; FAO-15897-2018 and FAO-15933-2018) are amenable
to final disposal by way of this common order.

The delay in the filing and refiling of these appeals is
condoned. Exemption is also granted as prayed for. Pending applications
in this regard are allowed.

One Shri Ram Bharose met with his death in a motor vehicle
accident which took place on 03.10.2015 in Village Damkan Kheri. His
family members and others, viz., Rahul, Kali Charan, Rohit, Ganeshi,
Ramesh and Janti @ Savita, also sustained injuries in this accident. Seven

**CM-9705-CII-2020 in/and FAO-886-2019;
CM-9704-CII-2020 in/and FAO-498-2019;
CM-9703-CII-2020 in/and FAO-494-2019; -3-
CM-9719-CII-2020 in/and FAO-15897-2018 and
CM-9700-CII-2020 in/and FAO-15933-2018**

claim petitions came to be filed under the provisions of Motor Vehicles Act, 1988, in relation to this accident. By common award dated 18.11.2016, the Motor Accident Claims Tribunal, Sonapat, disposed of these claim petitions.

Dissatisfied with the said common award, the present appeals were filed. FAO 886-2019, arising out of MACT Case No. 116 of 2015, was filed by Ganeshi, wife of late Shri Ram Bharose; FAO-498-2019, arising out of MACT Case No. 113 of 2015, was filed by Master Kali Charan, minor son of late Shri Ram Bharose; FAO-494-2019, arising out of MACT Case No. 115-2015, was filed by Ganeshi, Rahul, Kali Charan Ahirwar, Rohit Ahirwar, Ram Dass and Lachmi, the legal representatives of late Shri Ram Bharose; FAO-15897-2018, arising out MACT Case No. 112 of 2015, was filed by Master Rohit Ahirwar, minor son of late Shri Ram Bharose; and FAO-15933-2018, arising out of MACT Case No. 114 of 2015, was filed by Master Rahul, minor son of late Shri Ram Bharose.

While matters stood thus, the third respondent-IFFCO TOKIO General Insurance Company Limited filed applications in these appeals claiming that the matter had been settled amicably with all the appellants and it was agreed that certain amounts of money would be paid to them in full and final settlement of their claims.

**CM-9705-CII-2020 in/and FAO-886-2019;
CM-9704-CII-2020 in/and FAO-498-2019;
CM-9703-CII-2020 in/and FAO-494-2019; -4-
CM-9719-CII-2020 in/and FAO-15897-2018 and
CM-9700-CII-2020 in/and FAO-15933-2018**

In FAO-15933-2018, a further sum of ₹10,000/- was agreed to be paid; in FAO-15897-2018, a further sum of ₹20,000/- was agreed to be paid; in FAO-494-2019, it was agreed that the Insurance Company would not file any cross-objections and that the appellants would be allowed to appropriate the amount awarded by the Tribunal though it was excessive, as per the Insurance Company; in FAO-886-2019, a further sum of ₹30,000/- was agreed to be paid; and in FAO-498-2019, a further sum of ₹10,000/- was agreed to be paid.

When these facts were brought to the notice of this Court on 10.11.2020, Mr. G.S. Gopera, learned counsel for the appellants, was asked to produce the written consent of the appellants that they were satisfied with the amount(s) offered by the Insurance Company.

Today, Mr. G.S. Gopera, learned counsel for the appellants placed on record a copy of the affidavit dated 20.11.2020 executed in Hindi by Ganeshi, the widow, wherein she accepted the terms of the compromise and the amounts offered in full and final settlement of the claims of all the appellants, viz., her minor children and parents-in-law. Mr. G. S. Gopera, learned counsel, shall file the original affidavit dated 20.11.2020 executed by the widow, which is yet to be received by him, in the Registry within two weeks from today.

In the light of the aforestated facts, these appeals no longer survive for consideration on merits. The aforestated terms of compromise

**CM-9705-CII-2020 in/and FAO-886-2019;
CM-9704-CII-2020 in/and FAO-498-2019;
CM-9703-CII-2020 in/and FAO-494-2019; -5-
CM-9719-CII-2020 in/and FAO-15897-2018 and
CM-9700-CII-2020 in/and FAO-15933-2018**

are duly taken on record. The third respondent-Insurance Company shall deposit the amounts promised to the credit of the respective Claim Petitions before the Motor Accident Claims Tribunal, Sonapat, within a period of two weeks from the date of receipt of a copy of this order, failing which the said amounts would carry interest @ 9% per annum. Upon such deposit, the Tribunal shall release the amounts to the respective claimants in accordance with due procedure.

Appeals are disposed of accordingly.

No orders as to costs.

Copy of this order be placed in the connected files.

**(SANJAY KUMAR)
JUDGE**

03.12.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no