

**BEFORE THE NATIONAL LOK ADALAT,
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

539 *FAO-2227-2019 (O&M)*

***SHOBHA DEVI AND OTHERS
VS
TARSEM SINGH AND OTHERS***

Present: Mr. Varun Sharma, Advocate for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.3.-Insurance Company.

(Through Video Conferencing)

CM-6761-CII-2019

This is an application for condonation of delay of 442 days in filing the present appeal.

For the reasons stated in the application and in view of the fact that the matter has been compromised, the delay of 442 days in filing the present appeal is condoned.

Application stands disposed of.

Main case

This is an appeal filed by the appellant-claimants for enhancement while seeking modification of the award dated 03.08.2017 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.9,42,344/- alongwith interest @ 6% per annum from the date of filing of the claim petition till realisation of the amount so awarded.

It has been brought to the notice of this Court that the matter has been compromised. The statement of Mr. Varun Sharma, Advocate appearing for the appellant/claimants has been recorded, which is reproduced herein below:-

“Statement of Mr. Varun Sharma, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.2,80,000/- Rupees Two lakh eighty thousand only, over and above the amount already awarded by the MACT.

This would be in full and final satisfaction of the claim of the appellant(s) in the appeal.

The aforementioned amount may be paid to appellant No.1 in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Varun Sharma,

P/1998/2015

Mob:9988700831

Place: Chandigarh

Dated:11.09.2021”

The statement of Ms. Pushpa Bhardwaj, Manager and Mr. Vishal Malhotra A.O.(L), Authorized representative of respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Ms. Pushpa Bhardwaj, Manager and Mr. Vishal Malhotra A.O.(L), Advocate/Dy.Manager,/ Manager/authorized representative of NIA CO. Ltd.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.2,80,000/- (Rupees Two lac eighty thousand only), over and above the amount of Rs._____already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalats (Daily/Bimonthly/National), failing which interest at the rate 9% per annum shall follow from the date of the settlement before the Hon'ble Bench..

Name, Mobile No. Enrolment No. and e-mail I.D. Of Claimant's Advocate is

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:-

(b) Whether settled/non settled/want more time:

RO/AC

Signatures:- Sd/- Lalit Garg, Advocate

Name of the Officer with Mobile Number and e-mail ID:

Sd/- 11.09.2021

Place:

Dated: ”

A perusal of the above statements would show that the appellants/claimants as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.2,80,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellants/claimants.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants within a period of 4 weeks from today, failing which the interest @ 9% p.a. shall follow from the date of the settlement before the Lok Adalat till the date of payment.

Learned counsel for the appellants has submitted that he has instructions to submit on behalf of the appellants that draft with respect to compensation of Rs.2,80,000/- over and above the amount already awarded by the MACT, be prepared in the name of appellant No.1 and the said amount shall be released to appellant No.1.

Learned counsel for the Insurance Company has no objection with respect to the same.

Insurance Company has further stated that a cheque amounting

to Rs.2,80,000/- in the name of appellant No.1, will be deposited with the office of the Lok Adalat of this High Court on or before 10.10.2021, failing which the interest @ 9% p.a. shall follow at this amount till the payment from the date of this order.

In view of the above, we are of the opinion that the compromise is genuine and *bona fide* and in the best interest of the claimant as well as all the parties concerned.

Accordingly, the appeal is disposed of as having been compromised and the compromise shall be treated as part and parcel of the award, and the order of the learned Motor Accident Claims Tribunal, Jalandhar, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the Cheque/Demand Draft to learned counsel/representative of the respondent-Insurance Company. The appellant (s)/ counsel for appellant(s) may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(AASHISH CHOPRA)
MEMBER

September 11, 2021.
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