

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-10836-CII-2020 in/and
FAO-211-2006 (O&M)
Date of Decision: January 18, 2021**

MAM RAJ AND ANOTHER

..... APPELLANT(s)

Versus

RAJINDER KUMAR AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate
for applicant-respondent no.4-insurance company.

Mr. G.C. Shahpuri, Advocate
for the non-applicant/appellants.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in CM-10836-CII-2020 is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellants and respondent no.4-insurance company. It is submitted that the matter has been amicably resolved between the parties.

Learned counsel for the appellants submits that appellant no.1, father of the deceased has since passed away on 22.01.2019. Affidavit dated 16.01.2021 of appellant no.2 – Seema Rani, in this regard as well as the settlement has been circulated in the WhatsApp group created for the purpose of video conferencing today. Learned counsel submits that said affidavit shall be filed with the Registry of this Court within one week.

Keeping in view the specific stand of the parties and at their request, main appeal is taken on Board for hearing, today itself.

This appeal has been filed by the claimants – appellants seeking enhancement of compensation awarded to them by the learned MACT, Yamuna Nagar at Jagadhri, vide award dated 10.10.2005, on account of death of Anil Kumar (son of appellant no.1 and brother of appellant no.2) in a motor vehicle accident. A sum of Rs.1,98,000/- has been awarded to the appellants by the learned Tribunal.

It is submitted that during pendency of this appeal, matter has been amicably resolved by way of an oral settlement. It is agreed between the appellants and insurance company that a sum of Rs.3,30,000/- over and above the amount awarded by learned MACT, Yamuna Nagar at Jagadhri, vide impugned award, would be paid to appellants by way of account payee cheque.

Learned counsel for the appellants submits that he has specific instructions from appellant no.2- Seema Rani to accept counter offer of the proposal of settlement. Appellant no.2 has agreed to accept a sum of Rs.3,30,000/- over and above the amount awarded by the learned MACT, Yamuna Nagar at Jagadhri, on account of death of Anil Kumar, in the accident in question as full and final settlement of their claim.

Learned counsel for the insurance company submits that amount of Rs.3,30,000/- shall be paid to appellant no.2 – Seema Rani through account payee cheque within one week from today. Photocopy of the letter (Annexure A-1) regarding settlement of claim from Mr. G.C. Shahpiri, Advocate and photocopy of cheque (Annexure A-2) are annexed along with the application. Copy of affidavit dated 16.01.2021 executed by appellant no.2 has been circulated on the WhatsApp group created for the purpose of video

conferencing today. The same be filed with the Registry of this Court within one week.

Keeping in view the facts and circumstances as above, application is allowed and this appeal is disposed of in terms of settlement arrived at between the parties. Needless to say, appellant Seema Rani is at liberty to move appropriate application in this appeal, in case the cheque is not received/encashed.

18.01.2021

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No