

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CM-1883-CII-2021 in/and
FAO No.4789 of 2019 (O&M)
DATE OF DECISION : 24th FEBRUARY, 2021

Pardeep Kumar

.... Appellant

Versus

Vijay Kumar & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Gaurav Aggarwal, Advocate for the appellant.
Mr. Rajbir Singh, Advocate
for applicant-respondent No.3-Insurance Company.

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RAJBIR SEHRAWAT, J. (Oral)

CM-1883-CII-2021

This application has been filed under Section 151 CPC by the applicant-respondent No.3 for disposing of the main appeal in terms of compromise.

For reasons mentioned in the application the same is allowed and the main appeal along with application for condonation of delay, are taken up today itself for final disposal.

CM-15999-CII-2019

This is an application filed under Section 5 of the Limitation Act for condoning the delay of 17 days in filing the appeal.

Notice of the application.

Mr. Rajbir Singh, Advocate for applicant-respondent No.3- Insurance Company, accepts notice of the application and submitted that he has no objection if the application is allowed.

For reasons mentioned in the application and in view of no objection by the counsel for respondent No.3, the delay of 17 days in filing the appeal is condoned.

The application stands allowed accordingly.

FAO No.4789 of 2019

The instant appeal has been filed by the appellant seeking enhancement of the compensation awarded to him by Motor Accident Claims Tribunal, Sirsa (in short, the Tribunal) on account of serious injuries caused to him in accident. After adjudication upon the claim petition, the Tribunal had awarded an amount of ₹7,19,000/- along with interest and benefits, as specified in that award.

Now it has been submitted by counsel for respondent No.3- Insurance Company, that the parties have amicably settled the dispute, under which the respondent No.3 has agreed to pay an amount of ₹7,00,000/- more, over and above the amount, which was awarded by the Tribunal.

Counsel for the appellant has not disputed the above settlement between the parties and has expressed his no objection, to the disposal of the present appeal in terms of the compromise.

In view of the above, the present appeal is disposed of in terms of the above said compromise, by awarding an amount of ₹7,00,000/- more, over and above the amount awarded by the Tribunal.

It is further ordered that respondent No.3 shall hand over the bankers cheque No. 082385 dated 12.02.2021 for the amount of ₹7,00,000/-, in the name of appellant, photostat copy of which has been attached with the application at Annexure A-2, to the counsel for the appellant within a period of one week from today, for encashment in the account of the appellant only.

24th FEBRUARY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>