

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

**FAO No.4406 of 2006 (O&M)
Date of Decision : 10.07.2021**

NAGINDER SINGH AND OTHERS

..... Appellants

Versus

BANSI LAL AND OTHERS

..... Respondents

Present: Mr. Kamalpreet Singh Dhillon, Advocate for the appellants.

Mr. Sandeep Suri & Mr. Vinod Gupta, Advocates
along with Sh. Gopal Krishan, Deputy Manager,
Mrs. Anamika Joshi, Asstt. Manager and
Mr. Dashrath S. Sangwan, Admn. Officer
for respondent No.3- National Ins. Co. Ltd.

* * * *

Present appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988 for modification/enhancement of the compensation on account of death of Gurmit Kaur (*for short 'deceased'*).

It transpired that learned Motor Accident Claims Tribunal, Ludhiana (for short '*Tribunal*') vide impugned Award dated 15.05.2006 granted compensation of ₹ 2,05,000/- (₹ 45,000/- to claimant No.1 and remaining in equal share) along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization. Respondent Nos.1 & 3 were held liable jointly and severally to pay the compensation.

It is apposite to mention here that claim qua claimant Nos.3 & 6, namely, Harjeet Singh and Ranjit Kaur (son and daughter of appellant/claimant No.1-Naginder Singh) was dismissed.

Now, during the pendency of present appeal, the matter has been compromised between the parties i.e. appellants and respondent No.3. Learned Counsel for respondent No.3/Insurer has offered an amount of ₹ 4.75 Lakh over and above the amount of compensation awarded by learned Tribunal, which is acceptable to the appellants/claimants as full and final settlement.

During the course of hearing, it is submitted by learned Counsel for the appellants that appellant/claimant No.1-Naginder Singh is no more and amount of his share be released in favour of remaining three appellants i.e. Sukhwinder Singh (son), Harjinder Kaur and Rajni Rani (both daughters), which is not opposed by the opposite Counsel.

In view of the agreed stand taken by both sides, this appeal is disposed off as having been finally settled with the free consent of the parties. Aforesaid enhanced amount of ₹ 4.75 Lakh shall be deposited by way of cheque/demand draft in favour of the appellants/claimants Nos.2 to 4 with the Office of Lok Adalat of this Court within a period of 45 days from today and the same shall be disbursed to them in the same proportion as awarded by learned Tribunal and share of appellant No.1 (since deceased) shall be released in favour of appellant Nos.2 to 4 as stated above. In case of failure by respondent No.3, the amount would carry interest at the rate of 9% per annum from the date of settlement till its realization. The terms and

conditions of disbursal of the aforesaid enhanced amount of compensation will remain unaltered as passed by learned Tribunal.

A copy of this order be supplied to the parties/their counsel.

**(MAHABIR SINGH SINDHU)
JUDGE**

**(TRIBHUVAN DAHIYA)
SENIOR ADVOCATE
(MEMBER)**

July 10th, 2021
Gagan