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

525 **FAO-4328-2008 (O&M)**

GURMEET KAUR AND ANOTHER
VS
ADESH KUMAR WALI AND ANOTHER

Present: Mr. Arvind Kashyap, Advocate for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.2-Insurance Company.

(Through Video Conferencing)

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This is an appeal filed by the appellants-claimants for enhancement while seeking modification of the award dated 16.02.2008 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.6,28,000/- 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. Rajbir Singh, Advocate for respondent No.2-Insurance Company has been recorded. The same is reproduced herein below:-

> *"Statement of Sh. Rajbir Singh, Advocate/Dy.Manager,/ Manager/authorized representative of ICICI Lombard General Insurance Company Limited.*
>
> *I/we agree on behalf of the respondent-company for full and final settlement of compensation of Rs.9,90,000/- (Rupees Nine Lakh Ninety Thousand only), over and above the amount 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%*

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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, Arvind Kashyap.

Note:- Please tick the appropriate option

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

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

RO/AC

Signatures:- Sd/- Rajbir Singh

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

RAJBIR SINGH,

Advocate,

Mob: 9855521626

Email ID:- rajbirsinghadvocate81@gmail.com

Place: Chandigarh

Dated:12.08.2021"

The statement of Mr. Arvind Kashyap, Advocate appearing for the appellants/claimants has already been recorded, which is reproduced herein below:-

"Statement of Sh. Arvind Kashyap, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.9,90,000/- Rupees Nine Lakh Ninety 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/-Arvind Kashyap, Adv.

Place: Chandigarh

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A perusal of the above statements would show that the claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.9,90,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellant/claimant.

Counsel appearing for the respondent No.2-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant 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.

Insurance Company has further stated that a cheque amounting to Rs.9,90,000/- in the name of Gurmeet Kaur-appellant No.1, will be deposited with the office of the Lok Adalat of the Hon'ble High Court on or before 13.09.2021, 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, Fatehgarh Sahib, 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

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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.

Since, the main case has been decided, application bearing CM-119-CII-2019 for fixing the main case for some early actual date of hearing, has been rendered infructuous and is disposed of as such.

All the pending miscellaneous application, if any, shall also stands disposed of, in view of the abovesaid order.

(VIKAS BAHL)
PRESIDENT

(JAGMOHAN BANSAL)
MEMBER

August 14, 2021.
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