

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.466 of 2008 (O&M)
Date of Decision: 12.02.2021**

Smt. Sharda Devi and another

..... Applicants/Appellants

Versus

Prem Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ajit Kumar Sharma, Advocate for
Mr. Ram Darshan Yadav, Advocate
for the applicants/appellants.

Mr. Lalit Garg, Advocate for respondent No.3/Ins. Co.

MAHABIR SINGH SINDHU, J.

CM No.1274-CII-2021

Application for placing on record the affidavit of
applicant/appellant No.1-Smt. Sharda Devi as Annexure A-1.

For the reasons stated in the application, which is duly supported
by way of an affidavit of the applicant/appellant No.1, the same is allowed as
prayed for subject to all just exceptions. Accompanied affidavit is taken on
record as Annexure A-1.

Registry to tag the same at appropriate place.

CM-1276-CII-2021

Application for preponement of the main appeal, which is
pending for 05.03.2021, and disposing off the same as the matter has been
compromised between the parties.

Notice of the application to the non-applicants/respondents.

Mr. Lalit Garg, Advocate, who is present through Video-Conference, accepts notice on behalf of the non-applicant/respondent No.3 (Insurance Company) and raises no objection to the present application.

In view of the agreed stand taken by learned Counsel for the non-applicant/respondent No.3 and the reasons mentioned in the application, which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed as prayed for subject to all just exceptions. Date of hearing in the main appeal, which is pending for 05.03.2021, is preponed and taken on board today itself.

MAIN CASE

Present appeal has been filed by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988 (for short 'Act') for enhancement of the compensation, awarded by learned Motor Accident Claims Tribunal, Rewari (*for short 'Tribunal'*), vide order dated 27.07.2007.

Paper-book reveals that both the appellants had filed petition under Section 166 of the Act seeking compensation on account of death of Munshi Singh i.e. husband of appellant No.1 and father of appellant No.2 in a motor-vehicular accident, occurred on 11.08.2005.

Learned Tribunal, after taking into consideration the matter, awarded a sum of ₹ 3,08,980/- along with interest @ 7% per annum from the date of filing of the petition till its realization. Out of total compensation, an amount of ₹ 2,50,000/- along with interest was to be paid to appellant No.1-Smt. Sharda Devi, whereas the remaining amount of

₹ 58,980/- along with interest was ordered to be paid to appellant No.2-
Puran Singh @ Rawat.

Now, during the pendency of the present appeal, matter has been amicably settled between the parties to the effect that a sum of ₹ 2,60,000/- *lump sum* shall be paid by the Insurer (respondent No.3) over and above the amount of compensation, awarded by the Tribunal and in this regard, CM No.1276-CII of 2021 is also filed for disposal of the appeal.

Learned Counsel for the appellants has stated through Video-Conference that he has obtained the instructions of appellant No.2 also to settle the matter in above terms.

Learned Counsel for respondent No.3, on instructions from the quarter concerned, has undertaken before this Court that an amount of ₹ 2,60,000/- will be deposited before learned Tribunal and the same shall be released to the appellants/claimants after due verification in the same proportionate as awarded by learned Tribunal.

On the last date of hearing i.e. 18.01.2021, this Court passed the following order:-

“Present application is for disposing of the main appeal as the matter has been compromised between the parties.

Notice of the application to the non-applicants.

Mr. R.D.Yadav, Advocate, who is present through Video-Conferencing, accepts notice on behalf of the non-applicants/appellants.

Posted on 05.03.2021.

Let the written compromise, if any, arrived at between the parties be placed on record before the next date of hearing.”

Today, in pursuance of above order, affidavit of appellant No.1-Smt. Sharda Devi has been filed and that is taken on record as Annexure A-1 and para 2 of the affidavit reads as under:-

“That now the deponent has compromised the matter with the insurance company for an amount of Rs.2,60,000/- in full and final settlement of her claim over and above the amount awarded by ld. MACT, Rewari. The deponent has already given the consent of compromise to her counsel therefore, the matter has been orally settled between the deponent and insurance company. On the basis of settlement, insurance company has (sic-will) give a cheque of Rs.2,60,000/- in the name of deponent within four weeks as per oral settlement.”

Since both sides have settled the matter amicably, consequently, this appeal is disposed off in the above terms.

Ordered accordingly.

February 12th, 2021

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

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