

Smt Darshan and others Versus Sushil Kumar and others

Present: Mr.Amit Kumar Jain, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate, and Mr. Ravinder Arora, Advocate with
Mr. Sunil Aggarwal, Manager, and Ms. Sunita Verma, A.O, for
National Insurance Company Limited.

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Instant appeal has been filed by the appellant seeking enhancement of
the compensation awarded by the learned Motor Accident Claims Tribunal, **Jind**,
vide its award dated 20.04.2007, to the tune of ₹4,19,000/- along with interest @
7.5% per annum from the date of filing of the claim petition till realization.

It has been brought to the notice of this Bench that the matter has been
amicably settled. Statements of both the parties/counsel have been recorded
separately which is taken on record as mark 'A' and 'B', respectively.

A perusal of the statements would show that the appellant(s) as well as
respondent-Insurance Company have amicably settled the matter by stating that an
amount of ₹3,00,000/- (**rupees three lakhs only**) over and above the amount
already awarded by the **Motor Accident Claims Tribunal, Jind**, will be paid as
full and final settlement by the Insurance Company to the **appellant(s)**.

Learned counsel appearing for respondent-Insurance company has
further stated that the said amount would be paid by the **Insurance Company** to
appellant(s) (as agreed) within a period of 45 days 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.

It is further stated that a cheque amounting to ₹3,00,000/- in the name
of the **appellant(s)** will be deposited with the office of the Lok Adalat of this High
Court on or before 03.01.2022, failing which the interest @ 9% p.a. shall accrue on

the said amount from the date of this order, till its realization.

In view of the above, we are of the considered opinion that the settlement is genuine and *bona fide* and in the best interest of the litigating parties.

Accordingly, instant appeal is disposed off as having been amicably settled. The settlement shall be treated as part and parcel of the award and the impugned award passed by the learned Motor Accident Claims Tribunal, Jind stands modified as indicated above. The parties will be bound by the said settlement.

The concerned officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the Cheque/Demand Draft to learned counsel for the respondent-Insurance Company. The appellant(s)' counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

As the main appeal has been disposed off, no separate order needs to be passed in the pending application(s), if any.

(VIKAS SURI)
President

(PAWAN KUMAR MUTNEJA)
Member

20.11.2021
Sachin M.