

**BEFORE THE LOK ADALAT,
PUNJAB AND HARYANA AT CHANDIGARH
(504)
FAO No.2261 of 2010 (O&M)**

Suman and others Vs. Silak Ram and others

Present: Mr. Sandeep Kumar Yadav, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for
respondent-Insurance Company.

The present appeal has been filed by the claimants seeking enhancement while seeking modification of the award dated 08.01.2010, *vide* which a compensation amounting to ₹ 7,50,000/- along with interest @ 8% p.a. from the date of the filing of the claim petition till final realization was awarded.

As per the said award, an amount of ₹ 7,50,000/- along with interest @ 8% p.a from the date of the filing of petition till actual realization along with cost have been passed in favour of the appellants/claimants. The matter has been compromised. The statement of Mr. Sandeep Kumar Yadav, Advocate for the appellants has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Sandeep Kumar Yadav,
Advocate, learned counsel for the applicant(s)/
appellants(s)/claimant(s).*

*On the instructions of my client(s) I am prepared
to accept ₹ 11,80,000/- (Eleven Lac Eighty 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 Suman (only) in proportion as already awarded by the MACT.

RO & AC Signatures: *sd/- Sandeep Kumar Yadav*

Place: Chandigarh.

Dated: 13.08.2021

The statement of Shri Suryadeep Singh Thakur, Advocate, appearing for respondent-Insurance Company has also been recorded, which is reproduced herein below:-

*“Statement of Sh. Suryadeep Singh Thakur,
Advocate/ Dy. Manager/Manager/authorised
representative of **Reliance General Insurance
Company Ltd.** and Nigam K. Bhardwaj, Advocate.*

*I/We agree on behalf of the respondent company for full and final settlement of compensation at **Rs.1180000/-** (Eleven Lakh Eighty Thousand) over and above the amount of **Rs.7,50,000** already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalat (Daily/Bi -monthly/National) Benches, failing which interest at the rate of 9% per annum shall follow from*

the date of the settlement before the Hon'ble Bench.

RO & AC

*Signatures: sd/- **Suryadeep Singh Thakur***

Place: Chandigarh

Dated: _____ ”

A perusal of the above statement would show that the claimants and the Insurance Company have compromised the matter by stating that a compensation of ₹ 11,80,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Narnaul, will be paid by the Insurance Company to the appellants/claimants.

At this stage, learned counsel for the appellants has submitted that in the present case, 20% of the awarded amount by the Motor Accidents Claims Tribunal is in favour of Smt. Suman, appellant No.1, whereas, 80% amount has been awarded to respondent No.4, who is proforma respondent. It has been prayed that the said respondent No.4 has not filed any appeal for enhancement and it is because of the efforts of the present appellants that an additional amount of ₹ 11,80,000/- is being released by the Insurance Company. It is further stated that respondent No.4 is in fact re-married and the appellants are in dire need of money. It is, thus, prayed that the enhanced amount of ₹ 11,80,000/- be divided in equal proportion i.e., 50% to the widow (respondent No.4) and 50% to the mother (appellant No.1).

Learned counsel for the Insurance Company has no objection in case such a division is made.

Keeping in view the facts and circumstances shown, it may be

appropriate to award an additional amount of compensation i.e., ₹ 11,80,000/- in equal proportion between appellant No.1 and respondent No.4.

Learned counsel appearing for respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants 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.

Learned counsel for the Insurance Company has further stated that an amount to the tune of ₹ 11,80,000/- will be paid in equal shares i.e., 50% to the widow (respondent no.4) and 50% to the mother (appellant No.1) and the same 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, Narnaul, 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 proper receipt after receiving the cheque to learned counsel/representative of the respondent-Insurance Company. The appellant (s) counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

**(VIKAS BAHL)
PRESIDENT**

**(JAGMOHAN BANSAL)
MEMBER**

August 14, 2021.
sandeep