

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-2860-CII-2021 in/and
FAO-1194-2011 (O&M)
Date of Decision: April 01, 2021**

BRAHAM PARKASH

..... APPELLANT(s)

Versus

HASAM AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Darshan Yadav, Advocate
for the non-applicant/appellant.

Mr. Rajbir Singh, Advocate
for applicant-respondent no.3-insurance company.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in the application (CM-2860-CII-2021) is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellant and respondent no.3-insurance company. It is submitted that the matter has been amicably resolved between the parties.

Affidavit of the appellant with regard to compromise is taken on record, subject to just exceptions.

Learned counsel for the appellant as well as insurance company verify the factum of settlement between the parties.

Keeping in view the specific stand of the parties and at their joint request, main appeal, which was admitted on 18.02.2014, is taken on Board for hearing, today itself.

This appeal has been filed by the claimant – appellant seeking enhancement of the compensation awarded to him by the learned MACT, Rewari vide award dated 15.10.2010, on account of injuries received by the appellant in a motor vehicle accident. A sum of Rs.57,000/- has been awarded to the appellant by the learned Tribunal.

It is submitted that during pendency of this appeal, matter has been amicably resolved by way of an oral settlement. It is agreed between the appellant and insurance company that a sum of Rs.80,000/- over and above the amount awarded by learned MACT, Rewari vide impugned award dated 15.10.2010, would be paid to appellant by way of account payee cheque.

Learned counsel for the appellant submits that he has specific instructions from the appellant to accept counter offer of the proposal of settlement. The appellant has agreed to accept a sum of Rs.80,000/- over and above the amount awarded by the learned MACT, Rewari on account of injuries received by the appellant in the accident in question as full and final settlement of his claim. Affidavit dated 20.03.2021 of the appellant in respect to the settlement between the parties is on record. It is specifically mentioned in the affidavit of the appellant that he is unable to appear before the Court personally and thus has authorized his counsel to make a statement regarding the compromise.

Learned counsel for the insurance company submits that cheque of Rs.80,000/- in favour of the appellant namely Braham Parkash has already been handed over to the appellant/claimant on 23.03.2021.

Learned counsel for the appellant has confirmed and verified that the cheque of Rs.80,000/- has been handed over to the appellant.

Keeping in view the facts and circumstances as above, application is allowed and this appeal is disposed of in terms of settlement arrived at between the parties. Needless to say, appellant is at liberty to move appropriate application in this appeal, in case the cheque is not received/encashed.

A copy of this order be sent to the appellant at the address available on the file.

April 01, 2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No