

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

**CM-2923-CII-2021 in/and
FAO-1196-2011 (O&M)
Date of Decision: April 01, 2021**

SANTOSH AND OTHERS

..... 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/appellants.

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-2923-CII-2021) is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellants and respondent no.3-insurance company. It is submitted that the matter has been amicably resolved between the parties.

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

Affidavits of appellant nos.1, 3 and 4 with regard to compromise are taken on record, subject to just exceptions.

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 claimants – appellants seeking enhancement of the compensation awarded to them by the learned MACT, Rewari vide award dated 15.10.2010, on account of death of Charan Singh (husband of appellant no.1, father of appellant no.2 and son of appellants no.3 & 4) in a motor vehicle accident. A sum of Rs.7,80,000/- has been awarded to the appellants 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 appellants and insurance company that a sum of Rs.5 lakhs over and above the amount awarded by learned MACT, Rewari vide impugned award dated 15.10.2010, would be paid to appellants by way of account payee cheques.

Learned counsel for the appellants submits that he has specific instructions from the appellants to accept counter offer of the proposal of settlement. The appellants have agreed to accept a sum of Rs.5 lakhs over and above the amount awarded by the learned MACT, Rewari on account of death of Charan Singh in the accident in question as full and final settlement of their claim. Learned counsel for the appellants submits that appellant no.1 undertakes that the amount coming to the share of her minor son shall be used for his welfare and not for any other purpose. The settlement arrived at, it is submitted, is not detrimental to the interest of minor in any manner. Appellant no.1 is the natural guardian being mother of appellant no.2. Affidavits dated 20.03.2021 of appellants no.1, 3 and 4 in respect to the settlement between the parties are on record. It is specifically mentioned in the affidavits of the

appellants that they are unable to appear before the Court personally and thus have authorized their counsel to make a statement regarding the compromise.

Learned counsel for the insurance company submits that cheque of Rs.3,50,000/- in favour of appellant no.1 – Smt. Santosh and cheques of Rs.75,000/- each in favour of appellants no.3 and 4 namely Ram Ratti and Gajraj Singh have already been handed over to the appellants/claimants on 23.03.2021.

Learned counsel for the appellants has confirmed and verified that the cheques have been handed over.

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, appellants are at liberty to move appropriate application in this appeal, in case the cheques are not received/encashed.

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

April 01, 2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No