

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-461-CII-2021 in/and
FAO-1328-2011 (O&M)
Date of Decision: January 21, 2021**

NAFE SINGH

..... APPELLANT(s)

Versus

PREM CHAND SHARMA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate
for applicant-respondent no.4-insurance company.

Mr. Manish Kumar Garg, Advocate
for the non-applicant/appellant.

LISA GILL, J.

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

Prayer in CM-461-CII-2021 is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellant and respondent no.4-insurance company. It is submitted that the matter has been amicably resolved between the parties.

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

Learned counsel for respondent-insurance company submits that though recovery rights have been afforded to insurance company by learned Tribunal, respondent-insurance company is giving-up its claim for recovery of the amount in question, therefore, absence of concurrence to the compromise by owner and driver of the offending bus is immaterial.

Keeping in view the specific stand of the parties and at their joint request, main appeal, which was admitted on 09.04.2014, 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, Jind vide award dated 12.08.2010, on account of injuries received by appellant in a motor vehicle accident. A sum of Rs.5,00,000/- 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.5 lakhs over and above the amount awarded by learned MACT, Jind vide impugned award dated 12.08.2010, 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.5 lakhs over and above the amount awarded by the learned MACT, Jind on account of injuries received by the appellant in the accident in question as full and final settlement of their claim.

Learned counsel for the insurance company submits that amount of Rs.5 lakhs shall be paid to the appellant through account payee cheque within one week. Photocopy of the letter (Annexure A-1) regarding settlement of claim from Mr. Munish Kumar Garg, Advocate, counsel for the appellant and photocopy of cheque (Annexure A-2) are annexed along with the application.

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. It is made clear that the insurance company in view of the statement made before the Court today, would not have any right to recover the amount from the owner/driver of the offending vehicle. A copy of this order be sent to the appellant at the address available on the file.

21.01.2021

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No