

**BEFORE THE LOK ADALAT,
PUNJAB AND HARYANA AT CHANDIGARH**

(505-A)

FAO No.4679 of 2010 (O&M)

Banarsi Devi and others Vs. Shyopat and others

Present: Mr. Ashwani Bakshi, Advocate for the appellants.

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

This is an appeal filed by the claimants seeking enhancement while modification of the Award dated 27.02.2010 vide which a compensation of ₹ 5,00,000/- along with interest @ 6 % per annum from the date of filing of the claim petition till actual realization has been awarded on account of death of Dharam Singh.

As per the said award, an amount of ₹ 5,00,000 /- along with interest @ 6% per annum 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. Ashwani Bakshi, Advocate for the appellants, has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Ashwani Bakshi, Advocate,
learned counsel for the applicant(s)/appellants(s)/
claimant(s).*

*On the instructions of my client(s) I am prepared
to accept ₹ 2.4 lakh/- (Two Lakh Forty 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._____ in proportion as already awarded by the MACT.

RO & AC Signatures: sd/- Ashwani Bakshi

Place: Chandigarh.

Dated: 0 .07.2021.”

Learned counsel for the appellants has made a statement before this Court that appellant No.4-Raman daughter of Sh. Dharam Singh, appellant No.5-Mange Ram and appellant No.6-Nimbo Devi have died and, thus, requested that the enhanced amount of ₹ 2,40,000/- be distributed by giving ₹ 1,20,000/- to appellant No.1 and ₹ 60,000/- each to appellant Nos.2 and 3, respectively. Therefore, the amount be distributed in the manner above.

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 & Vandana Malhotra, Advocate.*

I/We agree on behalf of the respondent company for full and final settlement of compensation at Rs.240000/- (Two Lakh Forty Thousand) over and above the amount of Rs.500000 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 ₹ 2,40,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Rohtak, will be paid by the Insurance Company to the appellants/claimants.

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 ₹ 2,40,000/- in the names of appellants No.1

to 3 will be deposited with the office of the learned Motor Accident Claims Tribunal, Rohtak, 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. However, the aforesaid enhanced amount of ₹ 2,40,000/- be distributed by giving ₹ 1,20,000/- to appellant No.1 and ₹ 60,000/- each to appellant Nos.2 and 3, respectively.

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, Rohtak, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the learned Motor Accident Claims Tribunal, Rohtak, shall issue proper receipt after receiving the cheque to learned counsel/representative of the respondent-Insurance Company.

**(VIKAS BAHL)
PRESIDENT**

**(JAGMOHAN BANSAL)
MEMBER**

August 14, 2021.
sandeep