

CM-3109-CII-2021 in/and
FAO-4036-2011 (O&M)
Date of decision : April 05, 2021Gurmail Singh and others Appellants
Versus

Inderpal Singh and others Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate for applicant/respondent No. 3.

Mr. S.K. Biriwal, Advocate for the appellants.

LISA GILL, J.

Prayer in CM-3109-CII-2021 is for listing of the appeal which stands admitted and disposal thereof in terms of the oral compromise arrived at between the parties.

It is submitted that earlier the matter was placed before the learned Lok Adalat. Appellants had agreed to accept a sum of Rs. 2,48,000/- as is reflected in order dated 25.01.2013 by the learned Lok Adalat but the insurance company had not given concurrence at that time, therefore, the matter was returned to the High Court. Now, the matter has been amicably settled and it is agreed that a sum of Rs.6 lakhs over and above the amount awarded by the learned MACT, Ludhiana shall be paid to the appellants as full and final settlement of their claim. Appellants have accepted the same.

Keeping in view the specific stand of the parties, appeal is taken on Board for hearing, today itself.

This appeal has been filed by the claimant – appellants seeking enhancement of compensation awarded to them by the learned MACT, Ludhiana vide award dated 02.11.2010, on account of death of Surinder Kaur in a motor vehicle accident. Sum of Rs.1,22,000/- has been awarded by the learned Tribunal.

It is submitted that appellant No. 1 has died and is survived by appellants No. 2 to 4 - his children. There are no other legal heirs of appellant No. 1 – Gurmail Singh.

It is submitted that during pendency of this appeal, the matter has been amicably resolved by way of an oral settlement. Consent of the appellants to the settlement has been conveyed to the insurance company by their counsel vide letter dated 26.02.2021, on specific instructions. It is agreed between the appellants and insurance company that a sum of Rs.6,00,000/- over and above the amount awarded by learned MACT, Ludhiana vide impugned award dated 02.11.2010, would be handed over to the appellants. Joint affidavit dated 20.03.2021 of the appellants in respect to compromise is taken on record subject to just exceptions.

Learned counsel for the appellants submits that he has specific instructions from the appellants to accept the counter offer of the proposal of settlement. Appellants have agreed to accept a sum of Rs.6,00,000/- over and above the amount awarded by the learned MACT, Ludhiana on account of death of Surinder Kaur in the accident in question as full and final settlement of their claim.. A photocopy of the Account Payee Cheques, dated 09.03.2021 of Rs.2,00,000/- each in favour of the appellants are attached as Annexure A2. The same are taken on record subject to just exceptions. Joint affidavit dated 20.03.2021 of the appellants in respect to the settlement as above is on record.

Learned counsel for the insurance company submits that abovesaid cheque of Rs.6,00,000/- shall be handed over to the appellant/their counsel within one week.

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 cheque/s is/are not encashed.

A copy of this order be conveyed to the appellants at given address.

April 05, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No