

CM-456-CII-2021 and
FAO-6889-2010 (O&M)
Date of decision : January 21, 2021

Bala and others Appellants
Versus
Pankaj and others Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Ashwani Gaur, Advocate for the appellants.

LISA GILL, J.

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

Prayer in CM-456-CII-2021 is for listing of the appeal, which stands admitted and for disposal of the same in terms of the compromise.

It is submitted that the matter has been amicably resolved between the parties.

Notice of the application.

Mr. Ashwani Gaur, Advocate accepts notice on behalf of the non-applicant/appellants. Learned counsel for the appellants affirms and verifies that an oral settlement has been arrived at between the parties.

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

It is stated by learned counsel for the appellants that appellants No. 8 and 9 have since passed away and appellants No. 1 to 7 are their legal representatives.

This appeal has been filed by the claimant – appellants seeking enhancement of the compensation awarded to them by the learned MACT,

Sanpat vide award dated 15.01.2010, on account of death of Vijay Singh –

husband of appellant No. 1 and father of appellants No.2 to 7, in a motor vehicle accident. Sum of Rs. 3,99,000/- has been awarded by the learned Tribunal.

It is submitted that during pendency of this appeal, 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 21.12.2020, on specific instructions. It is agreed between the appellants and respondent No.3-insurance company that a sum of Rs.6,75,000/- over and above the amount awarded by learned MACT, Sonapat vide impugned award dated 15.01.2010, would be handed over to the appellants.

Learned counsel for the appellants submits that he has specific instructions from the appellants to accept the counter offer of the proposal of settlement. The appellants agree to accept a sum of Rs.6,75,000/- over and above the amount awarded by the learned MACT, Sonapat as full and final settlement of their claim. Photocopy of communication dated 21.12.2020 of the counsel for the appellants is attached as Annexure A1. The same is taken on record subject to just exceptions.

Though it is mentioned in the application that cheque of Rs.6,75,000/- has been prepared in favour of appellant No. 1, it is submitted that the amount shall be disbursed to appellants No. 1 to 7 in the ratio as fixed by the learned Tribunal. Learned counsel submits that amount of Rs.6,75,000/- would be disbursed as under:-

Rs.2,25,000/- - Appellant No. 1 i.e. widow of the deceased.

Rs.75,000/-each - Appellants No. 2 to 7 i.e. children of the deceased.

Learned counsel for the insurance company submits that cheques for a total sum of Rs.6,75,000/- shall be handed over to the appellants/their counsel within four weeks.

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.

Copy of this order be conveyed to the appellants at the address available in the file.

January 21, 2021
rts

(Lisa Gill)
Judge

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