

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-1663-CII-2021 and
CM-10839-CII-2020 in
FAO-771-2010 (O&M)
Date of Decision: February 17, 2021**

SANJAY KUMAR @ SANJEEV

..... APPELLANT(s)

Versus

BALBIR SINGH AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Diwan S. Adlakha, Advocate
for the applicant-appellant.

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.

CM-1663-CII-2021

For the reasons mentioned in the application, same is allowed as prayed for. Copy of affidavit dated 12.02.2021 (Annexure A-1/A) of the appellant–Sanjay Kumar @ Sanjeev, is taken on record subject to just exceptions.

Application is disposed of.

CM-10839-CII-2020

Prayer in this application is for listing of the appeal and its disposal in terms of the oral compromise arrived at between the appellant/claimant and respondent no.3-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.

Keeping in view the specific stand of the parties and at their joint request, main appeal, which was admitted on 30.04.2010, 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, Yamuna Nagar at Jagadhri, vide award dated 11.08.2009, on account of injuries received by appellant in a motor vehicle accident. Compensation of Rs.43,000/- 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.78,000/- over and above the amount awarded by learned MACT, Yamuna Nagar at Jagadhri vide impugned award dated 11.08.2009, 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.78,000/- over and above the amount awarded by the learned MACT, Yamuna Nagar at Jagadhri on account of injuries received by the appellant in the accident in question as full and final settlement of their claim. Affidavit dated 12.02.2021 of the appellant/claimant to this effect is on record.

Learned counsel for the insurance company submits that amount of Rs.78,000/- 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. Diwan S. Adlakha, 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 the main appeal is disposed of in terms of oral 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.

17.02.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No