

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

(514)

FAO No.2391-2012 (O&M)

Satbir and others Vs. Kalu Lal Megwanshri and others

Present: Mr. V.D. Sharma, Advocate for the appellants.

Mr. Ashwani Talwar, Advocate for
respondent No.3-Insurance Company.

CM-10552-CII-2012

This is an application for condonation of delay of 91 days in filing of the appeal.

For the reasons stated in the application, the same is allowed and delay of 91 days in filing of the appeal is condoned.

FAO No.2391-2012

The present appeal has been filed by the claimants seeking enhancement while seeking modification of the award dated 02.05.2011 *vide* which a compensation amounting to ₹ 2,80,800/- along with interest @ 9% p.a. from the date of the filing of the claim petition till final realization.

As per the said award, an amount of ₹ 2,80,800/- along with interest @ 9% p.a 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. V.D. Sharma, Advocate

for the appellants has been recorded. The same is reproduced herein below:-

“Statement of Sh. V.D. Sharma,, Advocate, learned counsel for the applicant(s)/appellants(s)/claimant(s).

On the instructions of my client(s) I am prepared to accept ₹ 5,25,000/- (Rupees Five Lacs Twenty Five Thousand) 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 the appellant No.1 & 2 in proportion as already awarded by the MACT.

RO & AC Signatures: sd/- V.D. Sharma

Place: Chandigarh.

Dated:09.08.2021”.

The statement of Shri Suryadeep Singh Thakur, Advocate, appearing for respondent No.3-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 & Ashwani Kumar Talwar, Advocate.*

I/We agree on behalf of the respondent

company for full and final settlement of compensation at Rs.525000/- (Five Lakh Twenty Five Thousand) over and above the amount of Rs.280800 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 ₹5,25,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Jind, will be paid by the Insurance Company to the appellants/claimants.

Learned counsel appearing for respondent No.3-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 ₹ 5,25,000/- in the name of the

appellants/claimants will be deposited with the office of the Lok Adalat of the Hon'ble High Court 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.

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

The concerned officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the cheque to learned counsel/representative of the respondent-Insurance Company. The appellant (s) counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(JAGMOHAN BANSAL)
MEMBER

August 14, 2021.
sandeep