

CM-2590-CII-2021 and
CM-8397-CII-2019 in/and
FAO-6734-2011

Date of decision : March 10, 2021

URMILA

.....Appellant

Versus

MAHABIR SINGH AND ORS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate for the applicant-respondent No. 4

Mr. Kartar Singh Malik-I, Advocate for the appellant.

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-2590-CII-2021 is for preponement of hearing of the appeal from 09.04.2021 and for disposal of the same in terms of the oral compromise arrived at between the parties. It is submitted that appellant – Urmila died on 24.09.2015 and an application for bringing on record her legal representatives i.e. son and daughter is still pending.

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

Notice of the application.

Mr. Kartar Singh Malik-I, Advocate accepts notice on behalf of the non-applicant/appellant. Learned counsel for the appellant affirms and verifies that an oral settlement has been arrived at between the parties.

Keeping in view the specific stand of the parties and at request, hearing of the appeal as well as application for bringing on record legal representatives of appellant - Urmila, is preponed from 09.04.2021 for today itself.

CM-8397-CII-2019

Prayer in the application is for bringing on record legal representatives of appellant – Urmila.

Learned counsel for respondent No. 4 does not raise any objection for bringing on record legal representatives of appellant – Urmila.

Heard.

For the reason mentioned in the application, legal representatives of appellant - Urmila, as mentioned in para No. 2 of the application, are brought on record, for the purpose of this appeal and subject to just exceptions.

Amended memo of parties is taken on record

Application is disposed of.

FAO-6734-2011 (O&M)

This appeal has been filed by the claimant – appellant seeking enhancement of compensation awarded to her by the learned MACT, Rohtak, vide award dated 06.01.2010, on account of death of her son Naveen son of Jai Bhagwan in a motor vehicle accident. Sum of Rs.4,40,000/- has been awarded by the learned Tribunal.

It is submitted that during pendency of this appeal, the matter has been amicably resolved by way of an oral settlement. Consent of the appellant/her legal representatives to the settlement has been conveyed to the insurance company by his counsel vide letter dated 09.02.2021, on specific instructions. It is agreed between the appellant and insurance company that a sum of Rs.3,00,000/- as full and final settlement of the claim would be handed over to the appellant(s). Learned counsel for the appellant submits that he has specific instructions from the legal

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representatives of appellant to accept the counter offer of the proposal of settlement. The appellant agrees to accept a sum of Rs.3,00,000/- as full and final settlement of his claim. A photocopy of communication dated 09.02.2021 of the counsel for the appellant is attached as annexure A1 and photocopy of two Account Payee Cheques, dated 01.03.2021 of Rs.1,50,000/- each in favour of the appellants (legal representatives of Smt. Urmila) is attached as Annexure A2. The same are taken on record subject to just exceptions. Appellants, it is submitted, have accepted the terms and conditions of the oral settlement as mentioned in the application.

Learned counsel for the appellants (legal representatives of Smt. Urmila) submits that cheques dated 01.03.2021 for a sum of Rs.1,50,000/- each in favour of Meena @ Meena Rani and Sawin son of Jai Bhagwan have since been received.

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 encashed.

A copy of this order be conveyed to the appellant/her legal representatives at the given address.

Affidavits of the appellants in respect to the settlement, however, be filed within two weeks from today.

The matter be put up before this Court for report thereof.

March 10, 2021
rts

(Lisa Gill)
Judge

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