

CM-3676-CII-2021 in
CM-3095-CII-2021 in/and
FAO-7209-2011 (O&M)
Date of decision : April 05, 2021

Balwant Ram and others Appellants
Versus

Sube Singh and others Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Robin Dutt, Advocate for the appellants.

LISA GILL, J.

CM-3676-CII-2021

Affidavits dated 22.03.2021 of all the appellants are taken on record
as Annexures A1 to A4, subject to just exceptions.

Application is disposed of.

**CM-3095-CII-2021 in/and
FAO-7209-2011**

Prayer in CM-3095-CII-2021 is for listing the appeal which stands
admitted and for disposal of the same in terms of the oral compromise arrived at
between the parties.

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

Notice of the application.

Mr. Robin Dutt, 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 appellants and the insurance
company (contesting respondent).

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, Jagadhri, vide award dated 08.09.2011, on account of death of Ganga Devi in a motor vehicle accident. Sum of Rs.1,50,400/- 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 appellants to the settlement has been conveyed to the insurance company by their counsel vide letter dated 25.02.2021, on specific instructions. It is agreed between the appellants and insurance company that a sum of Rs.5,75,000/- over and above the amount awarded by learned MACT, Jagadhri vide impugned award dated 08.09.2011, 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. Appellant No. 1 – Balwant Ram (husband of the deceased) agrees to accept a sum of Rs.2,75,000/-, appellants No. 2 and 3 - Vijay Kumar and Narinder Kumar (sons of the deceased) agree to accept a sum of Rs.1,50,00/- and appellant No. 4 – Rekha (daughter of the deceased) has no objection if amount of compensation is disbursed to appellants No. 1 to 3 over and above the amount awarded by the learned MACT, Jagadhri on account of death of Ganga Devi 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.2,75,000/- - appellant No. 1 and of Rs. 1,50,000/- each in favour of appellants No. 2 and 3 are attached as Annexure

A2. The same are taken on record subject to just exceptions. Affidavits dated 22.03.2021 of all the appellants in respect to the settlement as above are on record.

Mr. Rajbir Singh, Advocate submits that account payee cheques have been handed over to the appellants through their counsel. Appellants had specifically stated in their affidavits that they have issued specific instructions to their counsel for acceptance.

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, appellant is at liberty to move appropriate application in this appeal, in case the cheque is 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