

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-10826-CII of 2020 in/and
FAO No. 5018 of 2012(O&M)**

Date of Decision: 22.01.2021.

Dayal Chand

..... Appellant.

Versus

Vinod Kumar and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashish Gupta, Advocate
for the non-applicant-appellant.

Mr. Rajbir Singh, Advocate
for applicant-respondent no.3

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-10826-CII of 2020 is for listing the main appeal i.e., FAO No. 5018 of 2012 for hearing and disposal thereof in terms of the compromise arrived at between applicant-respondent no.3-Insurance Company and the non-applicant-appellant.

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

Learned counsel for the appellant-claimant affirms and verifies the factum of settlement between the parties.

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

This appeal has been filed by the appellant-claimant seeking enhancement of compensation awarded to him by the learned MACT, Nuh vide award dated 15.06.2012, on account of injuries received by the appellant in a

motor vehicle accident. Sum of Rs. 2,17,000/- has been awarded by the learned Tribunal.

It is submitted that during pendency of this appeal, the matter has been amicably resolved between the appellant-claimant and respondent no.3- Insurance Company. It is agreed between the appellant and insurance company that a sum of Rs.4,50,000/- over and above the amount awarded by learned tribunal, Nuh vide impugned award dated 15.06.2012, shall be handed over to the appellant. Learned counsel for applicant-respondent no.3 submits that account payee cheque, has since been received by the appellant. Affidavit dated 08.01.2021 of the appellant-claimant in respect to the settlement is taken on record subject to just exceptions.

Keeping in view the facts and circumstances as above CM No. 10826-CII of 2020, is allowed and FAO No. 5018 of 2012 is disposed of in terms of the settlement arrived at between the appellant-claimant and respondent- Insurance Company. Needless to say, in case, the said amount is not released to the appellant/ cheque is not encashed, he is at liberty to move an appropriate application in this appeal.

January 22, 2021
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(LISA GILL)
JUDGE

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