

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

**CM-908-CII of 2021 in/and
Cross-Objection-51 of 2020 in
FAO No. 6201 of 2012 (O&M)
Date of Decision: 19.02.2021.**

ICICI Lombard General Insurance Company Limited

..... Appellant.

Versus

Raj Rani and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Niharika Goel, Advocate
for Mr. Paras Money Goyal, Advocate
for the appellant.

Mr. Ashwani Arora, Advocate
for respondents no.1 to 4.

LISA GILL, J.

Prayer in CM-908-CII of 2021 is for listing and disposal of the appeal and cross-objections in terms of the oral compromise arrived at between appellant and respondents no.1 to 4.

Learned counsel for the parties submit that the matter has been amicably resolved between the parties.

At request and keeping in view the specific stand of the parties, appeal and cross-objections are taken on board for hearing today itself.

This appeal has been filed by the appellant-Insurance Company, challenging quantum of compensation awarded to respondents no.1 to 4 by the learned MACT, Chandigarh, vide award dated 06.08.2012, on account of death of Amir Khan in a motor vehicle accident. Sum of Rs. 07,12,000/- has been awarded by the learned Tribunal. Cross-objections have been filed by claimants-respondents no.1 to 4 for enhancement of the awarded compensation.

It is submitted that during pendency of this appeal and cross-objections, the matter has been amicably resolved between the appellant-

Insurance Company and respondents no.1 to 4/cross-objectors. It is agreed between the appellant-Insurance Company and respondents no.1 to 4/cross-objectors that a total sum of Rs.12,10,000/- lakhs instead of the amount awarded by learned tribunal, Chandigarh vide impugned award dated 06.08.2012, shall be handed over to respondents no.1 to 4/cross-objectors. It is further submitted that amount of Rs.5,00,000/- had already been received by respondents no.1 to 4/cross-objectors and the remaining amount of Rs.7,10,000/-, it is submitted, shall be disbursed to respondents no.1 to 4/cross-objectors, in the same ratio as awarded by the learned tribunal in award dated 06.08.2012. Learned counsel for applicant-appellant submits that account payee cheque/s, of proportionate amount shall be handed over to the respondents no.1 to 4/ cross-objectors, within 45 days. Affidavit of respondent no.1 in respect to the compromise is taken on record subject to just exceptions. Learned counsel for the claimants-cross-objectors reiterates the factum of settlement as above.

Keeping in view the facts and circumstances as above, CM No. 908-CII of 2021, is allowed and FAO No. 6201 of 2012 and Cross-objection No. 51 of 2020, are disposed of in terms of the settlement arrived at between the appellant-Insurance Company and respondents no.1 to 4/cross-objectors. It is directed that account payee cheque/s in question be handed over to respondents no.1 to 4/cross-objectors-claimants within 45 days. Needless to say, in case, the said cheques are not handed over to respondents no.1 to 4/ cross-objectors or are not encashed, they are at liberty to move an appropriate application in the cross-objections.

February 19, 2021
's.khan'

(LISA GILL)
JUDGE

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