

**BEFORE THE BIMONTHLY LOK ADALAT,
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

530 *FAO-844-2012 (O&M)*

***KAMLESH AND OTHERS
VS
RAM MEHAR AND OTHERS***

Present: Mr. Munish Kumar Garg, Advocate for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

(Through Video Conferencing)

This is an appeal filed by the appellant-claimant for enhancement while seeking modification of the award dated 04.06.2011 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.4,95,000/- alongwith interest @ 9% per annum from the date of filing of the claim petition till realisation of the amount so awarded.

It has been brought to the notice of this Court that the matter has been compromised. The statement of Mr. Munish Kumar Garg, Advocate appearing for the appellants/claimants has been recorded, which is reproduced herein below:-

“Statement of Sh. Munish Kumar Garg, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.4,00,000/-/- (Rupees Four Lakhs only), over and above the amount already awarded by the MACT.

This would be in full and final satisfaction of the claim of the applicant(s)/appellant(s)/claimant(s) in the appeal.

The aforementioned amount may be paid to appellant No.1/Claimant No.1 only as appellants No.2 to 4/Claimants No.2 to 4 are only the children of appellant No.1/Claimant No.1.

RO & AC

Signatures: Sd/- Munish Kumar Garg,

Place: Chandigarh

Dated:13.11.2021”

The statement of Sh. Rajbir Singh, Advocate for respondent No.3-Insurance Company has been recorded, which is reproduced herein below:-

“Statement of Sh. Rajbir Singh, Advocate/Dy.Manager,/Manager/authorized representative of Shri Ram GIC.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.4,00,000/- (Rupees Four Lakh only), over and above the amount of Rs._____ already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalats (Daily/Bimonthly/National), failing which interest at the rate 9% per annum shall follow from the date of the settlement before the Hon'ble Bench..

Name, Mobile No. Enrolment No. and e-mail I.D. Of Claimant's Advocate is Munish Kumar Garg, Adv.

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:- Yes

(b) Whether settled/non settled/want more time: Settled

RO/AC

Signatures:- Sd/- Rajbir Singh

Name of the Officer with Mobile Number and e-mail ID:

Place: Chandigarh

Dated: 16-11-2021”

A perusal of the above statements would show that the appellant/claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.4,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellant/claimant.

It has been agreed between the parties that enhanced amount of Rs.4,00,000/- would be paid to appellant No.1 alone as she is the mother of appellant Nos.2, 3 and 4.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to appellant No.1 alone as she is the mother of appellant Nos.2, 3 and 4, 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.

Insurance Company has further stated that a cheque amounting to Rs.4,00,000/- in the name of appellant No.1, will be deposited with the office of the Lok Adalat of this High Court on or before 21.12.2021, 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, Hisar, 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/Demand Draft to learned counsel/representative of the respondent-Insurance Company. The appellant(s)/ counsel for appellant(s) may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(AMIT JHANJI)
MEMBER

November 20, 2021.
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