

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-10857-CII-2020 in
FAO-3097-2013 (O&M)
Date of Decision: February 17, 2021**

MEENA AND ANOTHER

..... APPELLANT(s)

Versus

M/S MOHAN TRACTORS PVT. LTD. AND ANOTHER

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Kumar Kansal, Advocate
for the non-applicants/appellants.

Mr. Rajbir Singh, Advocate
for applicant-respondent no.2-insurance company.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in the application, CM-10857-CII-2020, is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellants/claimants and respondent no.2-insurance company. It is submitted that the matter has been amicably resolved between the parties.

Learned counsel for the appellants as well as insurance company verify the factum of settlement between the parties.

Keeping in view the specific stand of the parties and at their joint request, main appeal, which was admitted on 04.09.2013, is taken on Board for hearing, today itself.

This appeal has been filed by the claimants – appellants seeking enhancement of the compensation awarded to them by the learned MACT, Jind, vide award dated 14.12.2012, on account of death of their child in a motor vehicle accident. Compensation of Rs.2 lacs has been awarded to the appellants by the learned Tribunal.

It is submitted that during pendency of this appeal, matter has been amicably resolved by way of an oral settlement. It is agreed between the appellants and insurance company that a sum of Rs.3,30,000/- over and above the amount awarded by learned MACT, Jind vide impugned award dated 14.12.2012, would be paid to appellant by way of account payee cheque.

Learned counsel for the appellant submits that he has specific instructions from the appellants to accept counter offer of the proposal of settlement. The appellants have agreed to accept a sum of Rs.3,30,000/- over and above the amount awarded by the learned MACT, Jind on account of death of their son in the accident in question as full and final settlement of her claim. Affidavits dated 08.02.2021 of both the appellants in regard to settlement are on record. Appellant no.2, it is submitted has no objection if the cheque is in favour of his wife, appellant no.1.

Learned counsel for the insurance company submits that amount of Rs.3,30,000/- shall be paid to appellant no.1 through account payee cheque within one week. Photocopy of the letter (Annexure A-1) regarding settlement of claim from Mr. Ajay Kumar Kansal, Advocate, counsel for the appellants and photocopy of cheque (Annexure A-2) are annexed along with the application.

Keeping in view the facts and circumstances as above, application is allowed and the main 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 cheque is not received/encashed.

17.02.2021
Sunil

(LISA GILL)
JUDGE

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