

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

**CM-4812 CII of 2021 in
CM-3906-CII of 2021 in/and
FAO No. 1209 of 2015
Date of Decision: 28.05.2021.**

Amardeep Kaur and another

..... Appellants.

Versus

Harbhajan Kumar and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Jai Vir Yadav, Sr. Advocate
with Mr. Nitish Kumar, Advocate
for the non-applicant-appellants.

LISA GILL, J.

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

CM-4812-CII of 2021.

Prayer in CM-4812-CII of 2021 is for preponement of the date of
hearing of CM-3906-CII of 2021, which stands automatically adjourned for
25.08.2021, due to outbreak of pandemic COVID-19.

Learned counsel for the non-applicant does not raise any objection
thereto.

At request of learned counsel for the parties, hearing of application
CM-3906 of 2021-CII, is preponed from 25.08.2021 for today itself.

Application is accordingly disposed of.

CM-3906-CII of 2021 in/and FAO No. 1209 of 2015.

Prayer in CM-3906-CII of 2021 is for listing of FAO No. 1209 of 2015 and for disposal of the same in terms of the compromise arrived at between applicant-respondent no.3-Insurance Company and the non-applicant-appellants.

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

Learned counsel for the non-applicant-appellant-claimants affirms and verifies the factum of settlement between the parties.

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

Affidavit dated 05.05.2021 executed by appellant-claimant Amardeep Kaur in respect to the settlement, attached with the file is taken on record. It is specifically stated in the said affidavit that the matter has been settled between the appellants and Insurance Company. It is agreed between the parties that a sum of Rs.6 lakhs over and above the amount awarded by the learned Motor Accident Claims Tribunal, Jalandhar, vide award dated 20.08.2014, shall be accepted as full and final settlement by the appellant-claimants. Furthermore, appellant no.1 undertakes to keep the share of minor daughter, appellant no.2 in the shape of FDR with a nationalized bank, which would be payable to appellant no.2 on attaining age of majority, though appellant no.1 would withdraw the interest accruing on the FDR for use of the same for the welfare, upbringing and education of minor-appellant no.2, as per the directions of the learned tribunal.

Learned counsel for the applicant-Insurance Company submits that the demand draft dated 22.03.2021 for a sum of Rs.6,00,000/- shall be handed over to appellant-claimants within a week. Photocopy of demand draft dated 22.03.2021 drawn on ICICI Bank is attached as Annexure A-2 with the application. Learned counsel for the appellant reaffirms and verifies factum of settlement between the parties and submits that the appellant-claimants have no

objection, in case, the main appeal is disposed of in view of the settlement as above.

Keeping in view the facts and circumstances as above CM No. 3906-CII of 2021, is allowed and FAO No. 1209 of 2015 is disposed of in terms of the settlement arrived at between the appellant-claimants and respondent-Insurance Company. Needless to say, in case, the said amount is not released to the appellants, they are at liberty to move an appropriate application in this appeal.

May 28, 2021
's.khan'

(LISA GILL)
JUDGE

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