

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

**CM-78-CII of 2021 in/and
FAO No. 4064 of 2013(O&M)**

Date of Decision: 22.01.2021.

Usha Rani and others

..... Appellants.

Versus

Krishan Lal and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Bhardwaj, Advocate for the non-applicant-appellants.

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-78-CII of 2021 is for listing the main appeal i.e., FAO No. 4064 of 2013 for hearing and for disposal thereof in terms of compromise arrived at between applicant-respondent no.3-Insurance Company and non-applicant-appellants.

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. Affidavits of all the appellants affirming the factum of settlement have been circulated on the e-mail created for the purpose of video conferencing. Print out of the same be taken and attached with the file. Said affidavits be filed with the Registry of this Court within one week.

It has been decided that a sum of Rs.9,40,000/- over and above, the awarded amount i.e., Rs.8,10,000/-, shall be paid to the claimants. Photocopy of the cheque in favour of appellant no.1 is attached as Annexure A-2. Appellants no.2 and 3 i.e., daughters of appellant no.1, have specifically agreed to issuance of the cheque in favour of their mother i.e., appellant no.1.

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-claimants seeking enhancement of compensation awarded to them by the learned MACT, Panchkula vide award dated 18.04.2013, on account of death of Vishal in a motor vehicle accident. Sum of Rs. 8,10,000/- has been awarded by the learned Tribunal. Appellants No.2 and 3 were held entitled to a sum of Rs.50,000/- each out of this amount.

It is submitted that during pendency of this appeal, matter has been amicably resolved between the appellant-claimant and respondent no.3-Insurance Company. It is agreed between the appellants and insurance company that a sum of Rs.09,40,000/- over and above the amount awarded by learned tribunal, Panchkula vide impugned award dated 18.04.2013, shall be handed over to the appellants. Appellants No.2 and 3 have agreed that cheque of the entire amount be issued in favour of their mother i.e. appellant No.1. Mr. Rajbir Singh, Advocate, learned counsel for respondent no.3-Insurance Company, submits that the account payee cheque in question, shall be handed over to appellant no.1 within one week.

Keeping in view the facts and circumstances as above CM No. 78-CII of 2021, is allowed and FAO No. 4064 of 2013 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 or cheque is not encashed, they are at liberty to move an appropriate application in this appeal.

January 22, 2021
's.khan'

(LISA GILL)
JUDGE

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