

**CM-2143-CII-2021;
CM-1889-2021 in/and
FAO-2796-2015**

-1-

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

**CM-2143-CII-2021;
CM-1889-2021 in/and
FAO-2796-2015
Date of decision: - 04.03.2021**

National Insurance Company Limited

....Appellant

Versus

Harjinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Paul S. Saini, Advocate
for the applicant/appellant in CM-2143-CII-2021.

Mr. Dheeraj Mahajan, Advocate
for applicants in CM-2143-CII-2021; CM-1889-CII-2021
and for respondents No.1 to 3/Cross-Objectors.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-2143-CII-2021

Present joint application has been filed for disposing of the present appeal i.e. FAO-2796-2015 in terms of the oral compromise, which has been effected between the appellant and respondents No.1 to 3.

Learned counsel appearing on behalf of the appellant and respondents No.1 to 3 argues that the parties have already reached an out of Court settlement with regard to their dispute, which has been raised in the present appeal and pray that present appeal be disposed of in terms of

said oral compromise by preponing the date of hearing of the main appeal i.e. FAO-2796-2015, which stands admitted.

In view the above, the application is allowed and on the request of learned counsel for the parties, the main appeal is taken up for hearing today itself.

FAO-2796-2015

In the present appeal, the Motor Accident Claims Tribunal, Gurdaspur, allowed a compensation of ₹52,00,584/- along with interest @ 6% p.a. in favour of respondents No.1 to 3/claimants. Feeling aggrieved by the said compensation, the present appeal was filed.

Learned counsels for the parties jointly submits that the award of the Motor Accident Claims Tribunal, Gurdaspur dated 09.01.2015, which has been impugned in the present appeal, be modified in view of the compromise between the parties. Learned counsels for the parties further submits that instead of compensation of ₹52,00,584/- along with interest @ 6% per annum awarded by the learned Tribunal be modified to mean that respondents No.1 to 3/claimants will be entitled for the compensation of ₹47,50,000/- along with interest @ 6% per annum.

Keeping in view the fact that the parties have compromised their claims, the impugned award dated 09.01.2015 passed by the Motor Accident Claims Tribunal, Gurdaspur is modified to the extent that instead of compensation of ₹52,00,584/- along with interest @ 6% per annum, respondents No.1 to 3/claimants will be entitled for the compensation of ₹47,50,000/- along with interest @ 6% per annum.

**CM-2143-CII-2021;
CM-1889-2021 in/and
FAO-2796-2015**

-3-

Learned counsel for the parties also agree that the appellants-Insurance Company will release the remaining amount, to be paid to all the respondents/claimants in equal proportion, within a period of four weeks from the date of disposal of the main appeal.

CM-1889-CII-2021

Present application has been filed for disposing of the XOBJC-168-CII-2015 filed by the respondents/cross-objectors.

Learned counsel for respondents No.1 to 3/cross-objectors prays that he may be allowed to withdraw the above-said cross-objections as the compromise has been effected between the parties.

Prayer for withdrawal of the above-said cross-objections is not opposed by the learned counsel for the appellant-Insurance Company.

In view of the above, as prayed for, the cross-objections i.e XOBJC-168-CII-2015 are allowed to be withdrawn.

**(HARSIMRAN SINGH SETHI)
JUDGE**

March 04, 2021
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Whether reasoned/speaking?	Yes
Whether reportable?	No