

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

544 FAO-2827-2015 (O&M)

**Urmila and others
Vs
Vinod Kumar and another**

Present: Mr. Arun Singal, Advocate for the appellants.

Mr. Pradeep Kumar, Advocate
for respondent No.2-Insurance Company.

(Through Video Conferencing)

The present appeal has been filed by the claimants for enhancement while seeking modification of the award dated 05.07.2014, vide which the learned Motor Accident Claims Tribunal, Panipat held that the claimants/appellants are entitled to total compensation amounting to ₹6,50,000/- in equal shares along with interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount.

Today, Mr. Arun Singal, Advocate for the appellants as well as Mr. Pardeep Kumar counsel for respondent No.2-Insurance Company have appeared and jointly stated that the matter has been compromised. It has been stated that the amount which has been awarded by the learned Motor Accident Claims Tribunal, Panipat has already been received by the claimants/appellants along with interest.

It has further been stated that an enhanced amount of ₹4,70,000/- over and above the amount already awarded by the learned

Tribunal has also been agreed to be paid by respondent No.2-Insurance Company to the claimants/appellants within a period of six weeks from the date of receipt of copy of the final order disposing the present appeal. The said proposal is acceptable to both the parties.

It has further been agreed by counsel for both the parties, who have instructions from their respective clients in this regard that the said amount of ₹4,70,000/- would cover all the heads of compensation including interest component.

It has been pointed out that an affidavit of Sh. Sunil Gupta, Deputy Manager of respondent No.2 is already on record along with CM-4574-CII-2021. The contents of the said affidavit are reproduced hereinbelow:-

“Urmila and others

....Appellants

Versus

Vinod Kumar and another

....Respondents

*Affidavit of Sunil Gupta, Deputy Manager, future
Generali India Insurance Co. Ltd. 3rd Floor, Unit No.303 &
310, Kailash Building, 26 Kasturba Gandhi Marg. New Delhi-
110001.*

*I, the above named deponent do hereby solemnly affirm and
declare as under:-*

*1. That the above titled appeal preferred by claimants for
enhancement of compensation is pending in this Hon'ble Court
and it is not likely to taken up in view of prevailing COVID-19*

conditions.

2. That it is respectively submitted the parties have amicably settled the matter and have arrived at consensus that the claimants/appellants would be satisfied if the compensation is enhanced to the tune of Rs.4,70,000.00 under all heads of compensation including interest component, towards full and final settlement of claim in the present appeal, over and above the amount already awarded by the learned tribunal and the mutually agreed/settled enhanced amount of compensation of Rs.4,70,000.00 is paid within six weeks from the date of receipt of certified copy of the final order disposing the present appeal. The said proposal of claimants/appellants has been duly accepted in toto by the respondent insurance company.

3. That in view of the aforesaid amicable mutual settlement between the parties, the present appeal deserves to be disposed of with the direction to the respondent insurance company to pay the mutually agreed/settled enhanced amount of compensation of Rs.4,70,000.00 towards full and final settlement of the claim in the present appeal, within a period of six weeks from the receipt of certified copy of the final order of disposal of the present appeal.

Sd//-

Deponent

Chandigarh

Dated: 28-04-2021

Verification:-

Verified that the contents of my above affidavit from para No.1 to 3 are true and correct. No part of it is false and nothing has been kept concealed therein.

Sd//-

Deponent

Chandigarh

Dated: 28-04-2021”.

Respondent No.1 who is the driver and owner of the offending vehicle has not put in an appearance. Since respondent No.2 has undertaken to pay the settled amount to the appellants/claimants, therefore, respondent No.1 is also satisfied to the said effect.

Thus, we are of the opinion that the said compromise is *bona fide* and is in the best interest of the claimants/appellants and all the parties and would help in finally settling and adjudicating the matter.

Accordingly, we dispose of this case, in view of the above-said settled terms and direct the respondent No.2-Insurance Company to pay an amount of ₹4,70,000/- to the appellants/claimants within a period of six weeks from the date of receipt of certified copy of the present order, failing which, an interest @ 7.5% per annum shall follow on this amount till payment is made from the date of this order.

Accordingly, the order of the learned Motor Accident Claims

Tribunal, Panipat also stands modified in terms of the said compromise and the compromise shall be treated as part and parcel of the award and the present appeal stands disposed of. 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/appellant(s) may collect the Cheque/Demand Draft from the office of the Lok Adalat.

**(VIKAS BAHL)
PRESIDENT**

**(AMIT JAIN)
MEMBER**

July 10, 2021.
jitesh (jts)