

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-464-CII-2021 in/and
FAO-189-2016 (O&M)
Date of Decision: January 21, 2021**

**UMED SINGH (SINCE DECEASED) THROUGH LRS RAJENDERI @
JANTA AND ANOTHER**

..... APPELLANT(s)

Versus

HAMID AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Yash Dev Kaushik, Advocate
for the non-applicant/appellants.

LISA GILL, J.

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

Prayer in CM-464-CII-2021 is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellants and respondent no.3-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 11.10.2018, is taken on Board for hearing, today itself.

For the reasons mentioned in the application (CM-379-CII-2016), supported by an affidavit of the applicant, same is allowed as prayed for. Delay of 29 days in filing the present appeal is condoned. Application is accordingly disposed of.

This appeal has been filed by legal heirs of claimant – Umed Singh (since deceased), seeking enhancement of compensation awarded to the claimant by learned MACT, Faridabad vide award dated 28.07.2015, on account of injuries received by claimant in a motor vehicle accident. A sum of Rs.1,14,150/- has been awarded to the legal heirs of the claimant 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.1,50,000/- over and above the amount awarded by learned MACT, Faridabad vide impugned award dated 28.07.2015, would be paid to both the appellants i.e. legal heirs of claimant – Umed Singh, in equal share by way of account payee cheques.

Learned counsel for the appellants 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.1,50,000/- over and above the amount awarded by the learned MACT, Faridabad on account of injuries received by the claimant – Umed Singh (since deceased) in the accident in question as full and final settlement of their claim.

Learned counsel for the insurance company submits that amount of Rs.1,50,000/- shall be paid to the appellants through two account payee cheques of Rs.75,000/- each, within one week. Photocopy of the letter

(Annexure A-1) regarding settlement of claim from Mr. Yash Dev Kaushik, Advocate, counsel for the appellants is annexed along with the application.

Keeping in view the facts and circumstances as above, application is allowed and this 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 cheques are not received/encashed. A copy of this order be conveyed to the appellants at the address available on the file.

21.01.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No