

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

**CM-3930-CII-2021 and CM-14375-CII-2015
in/and FAO No.4497 of 2015 (O&M)
Date of decision : April 08, 2021**

Rajiv Kumar

..... Appellant

Versus

Dalip Kumar and others

..... Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajbir Singh, Advocate for the applicant-respondent No.4.

RAJBIR SEHRAWAT, J. (ORAL)

CM-3930-CII-2021

This is an application for pre-poning the main appeal i.e. FAO No.4497 of 2015 and disposing of the same in terms of the compromise effected between the claimant/appellant and Insurance Company-respondent No.4.

Notice of the application to the counsel opposite.

Mr. Mohinder Pal, Advocate accepts notice on behalf of the non-applicants/appellants/claimants and raises no objection if the application is allowed.

In view of the above, the present application is allowed and the main appeal is pre-poned for today itself and is taken up for its disposal.

CM-14375-CII-2015

For the reasons mentioned in the application, delay of 240 days in re-filing the appeal is condoned, subject to all just exception.

Application stands disposed of.

Main case

The instant appeal has been filed by the appellant/claimant/injured-Rajiv Kumar seeking enhancement of the compensation awarded to him by the Motor Accident Claims Tribunal, Sirsa (in short 'the Tribunal'). After adjudication upon the claim petition, the Tribunal had awarded an amount of ₹1,00,410/-, along with interest and benefits, as specified in that award.

Now it has been submitted by counsel for respondent No.4- Insurance Company, that the parties have amicably settled the dispute, under which respondent No.4 has agreed to pay the enhanced amount of ₹6,00,000/- under all heads, over and above the amount which was awarded by the learned Tribunal.

Counsel for the appellant-claimant has not disputed the above settlement between the parties and has expressed his no objection, to the disposal of the present appeal in terms of the compromise.

In view of the above, the present appeal is disposed of in terms of the above said compromise, by awarding an amount of ₹ 6 lacs under all heads, over and above the amount already awarded by the Tribunal.

It is further ordered that respondent No.4 shall hand over the banker Cheque No.082642, dated 25.03.2021 for an amount of ₹ 6 lacs, photostat copy of which has been attached with the application at Annexure A-2, to the counsel for the appellant within a period of four weeks from today, for encashment in the account of appellant only.

**(RAJBIR SEHRAWAT)
JUDGE**

April 08, 2021

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No