

CM-186-CII-2021 and
FAO-4841-2015 (O&M)
Date of decision : January 18, 2021

HEMANT

..... Appellant

Versus

LAL SINGH AND ORS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate for the applicant-respondent No. 3.

Ms. Garima Sharma, Advocate for the appellant.

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-186-CII-2021 is for preponement of hearing of the matter, which is listed for 07.04.2021.

It is submitted that the matter has been amicably resolved between the parties.

Learned counsel for the non-applicant/appellant verifies the factum of settlement between the parties.

Keeping in view the specific stand of the parties, hearing of the appeal is preponed from 07.04.2021 for today itself.

This appeal has been filed by the claimant – appellant seeking enhancement of compensation awarded to him by the learned MACT, Bhiwani, vide award dated 22.07.2014, on account of injuries suffered by him in a motor vehicle accident. Sum of Rs.1,79,000/- has been awarded by the learned Tribunal.

It is submitted that during pendency of this appeal, in which notice is yet to be issued, the matter has been amicably resolved by way of an oral settlement. Consent of the appellant to the settlement has been conveyed to the insurance company by his counsel vide letter dated 21.12.2020, on specific

instructions. It is agreed between the appellant and insurance company that a sum of Rs.2,75,000/- over and above the amount awarded by learned MACT, Bhiwani vide impugned award dated 22.07.2014, would be handed over to the appellant.

Learned counsel for the appellant submits that he has specific instructions from the appellant to accept the counter offer of the proposal of settlement. The appellant agrees to accept a sum of Rs.2,75,000/- over and above the amount awarded by the learned MACT, Bhiwani on account of injuries suffered by the appellant in the accident in question as full and final settlement of his claim. A photocopy of communication dated 21.12.2020 of the counsel for the appellant is attached as annexure A1 and photocopy of the Account Payee Cheque, dated 24.12.2020 of Rs. 2,75,000/- in favour of the appellant is attached as Annexure A2. The same are taken on record subject to just exceptions.

Affidavit dated 16.01.2021 of the appellant has been circulated on the Whatsapp group created for the purpose of video conferencing today. The same be filed in the Registry within one week. Print out of the same be also attached with this appeal.

Learned counsel for the insurance company submits that abovesaid cheque of Rs.2,75,000/- shall be handed over to the appellant/his counsel within two days.

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, appellant is at liberty to move appropriate application in this appeal, in case the cheque is not encashed.

January 18, 2021
rts

(Lisa Gill)
Judge