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**BEFORE THE BI-MONTHLY LOK ADALAT,
PUNJAB AND HARYANA AT CHANDIGARH
(541)**

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Naresh Kumar and others Vs. Raj Pal and others

Present: Mr. Ashit Malik, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for respondent No.3.

(Through Video Conferencing)

The present appeal has been filed by the claimants seeking enhancement while seeking modification of the award dated 02.03.2015 *vide* which a compensation amounting to ₹ 6,72,800/- along with interest @ 9 % p.a. from the date of the filing of the claim petition till final realization, has been awarded.

As per the said award, an amount of ₹ 6,72,800/- along with interest @ 9 % p.a from the date of the filing of petition till actual realization along with cost have been passed in favour of the appellants/claimants. The matter has been compromised. The statement of Mr. Ashit Malik, Advocate for the appellants has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Ashit Malik, Advocate, learned
counsel for the appellants.*

*On the instructions of my client(s) I am prepared
to accept ₹ 4,50,000/- Rupees Four lacs Fifty thousand
over and above the amount already awarded by the
MACT.*

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This would be in full and final satisfaction of the claim of the appellant(s) in the appeal.

The aforementioned amount may be paid to appellant No. 4 Karmo Devi widow in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Ashit Malik

Place: Chandigarh.

Dated: 0 .07.2021.”

The statement of Shri Rajbir Singh, Advocate, appearing for respondent No.3-Insurance Company has also been recorded, which is reproduced herein below:-

“Statement of Sh. Rajbir Singh, Advocate/ Dy. Manager/Manager/authorised representative Shri Ram GIL.

I/We agree on behalf of the respondent company for full and final settlement of compensation at Rs.4,50,000/- (Rupees Four Lakh fifty thousand only) over and above the amount of Rs._____/ - already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalat (Daily/Bi -monthly/National) Benches, failing which interest at the rate of 9% per annum shall follow from the date of the settlement before the Hon'ble Bench.

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- *Name, Mobile No. Enrolement No. and e-mail I.D. Of Claimant's Advocate is Ashit Malik.*

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained: Yes/No

(b) Whether Settled/Non Settled/Want more time.

RO/AC

Signatures: Sd/- (Rajbir Singh)

Name of the Officer with Mobile number and e-mail I.D

Place: Chd

Dated:17.11.2021.”

A perusal of the above statement would show that the claimants and the Insurance Company have compromised the matter by stating that a compensation of ₹ 4,50,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Karnal, will be paid by the Insurance Company to the appellants/claimants.

Learned counsel appearing for respondent No.3-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants within a period of four weeks from today, failing which the interest @ 9% p.a. shall follow from the date of the settlement before the Lok Adalat till the date of payment.

Learned counsel for the Insurance Company has further stated that an amount to the tune of ₹ 4,50,000/- in the name of the appellants/claimants will be deposited with the office of the Lok Adalat of this Court on or before 21.12.2021, failing which the interest @ 9% p.a.

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shall follow at this amount till the payment from the date of this order.

In view of the above, we are of the opinion that the compromise is genuine and *bona fide* and in the best interest of the claimants as well as all the parties concerned.

Accordingly, the appeal is disposed of as having been compromised and the compromise shall be treated as part and parcel of the award, and the order of the learned Motor Accident Claims Tribunal, Karnal, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the learned Tribunal shall issue proper receipt after receiving the cheque to the learned counsel/representative of the respondent-Insurance Company.

(VIKAS BAHL)
PRESIDENT

(AMIT JHANJI)
MEMBER

November 20, 2021.

sandeep