

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

**CM No.3443-CII-2021 and
CM-16643-CII-2016 in/and
FAO No.4860 of 2016 (O&M)
Date of decision : March 26, 2021**

Bala Devi and others Appellants

Versus

Naresh Kumar and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Punit Jain, Advocate
for the applicant/respondent No.2-Insurance Company.

RAJBIR SEHRAWAT, J. (ORAL)

CM-3443-CII of 2021

The present application has been filed by respondent No.2 for pre-poning the main appeal i.e. FAO No.4860 of 2016 and disposal of the same.

Notice of the application to the counsel opposite.

Mr. Rajiv Kumar Saini, Advocate accepts notice on behalf of the non-applicant/appellant and submits that he has no objection if the main case is pre-poned and taken up for final disposal.

For the reasons mentioned in the application, the same is allowed and the main appeal is pre-poned and taken up for hearing today itself.

CM-16643-CII-2016

Notice of the application for condonation of delay was issued on 21.11.2017 but no reply to the application has been filed. Counsel for respondent No.2 has no objection if the application is allowed.

For the reasons mentioned in the application and in view of no objection by the counsel for respondent No.2, delay of 97 days in filing the appeal is condoned.

Application stands disposed of.

CM-16644-CII-2016

This is an application for bringing on record the legal heirs of deceased-appellant No.5- Choli Devi.

For the reasons mentioned in the application, the same is allowed and the legal heirs of deceased-appellant No.5-Choli Devi, whose details have been mentioned in para No.2 of the application, are ordered to be brought on record for the purpose of the present appeal only.

The amended memo of parties is taken on record.

Main Case

The instant appeal has been filed by the claimants/dependants/legal representatives of deceased-Ram Kumar seeking enhancement of the compensation awarded to them by the Motor Accident Claims Tribunal, Karnal (in short 'the Tribunal'). After adjudication upon the claim petition, the Tribunal had awarded an amount of ₹5,00,400/-, along with interest and benefits, as specified in that award.

Now it has been submitted by counsel for respondent No.2- Insurance Company, that the parties have amicably settled the dispute, under which respondent No.2 has agreed to pay the enhanced amount of ₹80,000/- under all heads, over and above the amount which was awarded by the learned Tribunal.

Counsel for the appellants 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 ₹80,000/- under all heads, over and above the amount already awarded by the Tribunal. It is further ordered that respondent No.2 shall deposit the above-said amount of ₹80,000/- before the concerned Tribunal, within a period of four weeks from today. The Tribunal shall disburse the same to the claimants, in accordance with law.

**(RAJBIR SEHRAWAT)
JUDGE**

March 26, 2021

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Whether speaking / reasoned

Yes

Whether Reportable:

No