

**BEFORE THE NATIONAL LOK ADALAT,
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

520 FAO-7505-2015

**KAMAL KHAH AND ORS
VS
RAMDEV GURJAR AND ANOTHER**

Present: Mr. Munfaid Khan, Advocate for the appellant/claimants.

Ms. Vandana Malhotra, Advocate for the Insurance Company-
Respondent No.3.

(Through Video Conferencing)

The present appeal has been filed by the appellant/claimants for enhancement, thus seeking modification of the judgment dated 22.01.2015 passed by the learned Motor Accident Claims Tribunal, Palwal.

The appellants in the present case are the relatives of Shakul (since deceased). The learned Motor Accident Claims Tribunal, Palwal, awarded an amount of ₹ 5,39,000/- along with interest @ 7.5 per cent per annum from the date of filing of the petition till the actual realization.

It has been brought to the notice of this Court that the matter has been compromised. The statement of Shri Pradeep Pathak, authorised representative of respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Pradeep Pathak, Dy.
Manager/authorised representative of Chola Ms. GIC.
I/We agree on behalf of the respondent-*

company for full and final settlement of compensation at Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand) over and above the amount 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, failing which interest at the rate of 9% per annum shall follow from the date of the settlement before the Lok Adalat.

RO & AC

Signatures: sd/- Pradeep Pathak

Place: Chandigarh

Dated: 6.07.2021”.

The statement of Shri M.D. Khan, Advocate appearing for the appellants/claimants has already been recorded, which is reproduced herein below:-

“Statement of Sh. M.D. Khan, Advocate, P/11/65/2011 learned counsel for the applicant(s)/ appellant(s)/claimant(s). 8915741428 (Room No.31) New Bar Room Complex, Punjab and Haryana High Court Chandigarh.

On the instructions of my client(s) I am prepared to accept Rs.03,50,000/-(Rupees Three Lakh Fifty Thousand only) over and the amount already awarded by the MACT, as full and final settlement without any further interest over the same.

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.1 & 2 in equal proportion as already awarded by the MACT.

RO & AC

Signatures: sd/- M.D. Khan

Place: Chandigarh

Dated: 05.07.2021 ”.

A perusal of the above statement would show that the claimants as well as the Insurance Company has compromised the matter by stating that a compensation of ₹ 3,50,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Palwal, will be paid by the Insurance Company to the appellants/claimants.

Counsel appearing for the respondent No.2-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants within a period of 4 weeks from today, failing which the interest @ 9 per cent per annum shall follow from the date of the settlement before the Lok Adalat till the date of payment.

Insurance Company has further stated that two cheques amounting to ₹ 1,75,000/- each in the name of the appellant- Kamal Khan and Nazma, respectively, will be deposited with the office of the Lok Adalat of the Hon'ble High Court on or before 08.08.2021, failing which the interest @ 9 per cent per annum 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, Palwal, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the Lok Adalat Branch/Office shall issue proper receipt after receiving the Cheque/Demand Draft to learned counsel/representative of the respondent-Insurance Company. The appellant (s) counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

**(VIKAS BAHL)
PRESIDENT**

**(AMIT JAIN)
MEMBER**

July 10, 2021.
jitesh (jts)