

**BEFORE THE LOK ADALAT,
PUNJAB AND HARYANA AT CHANDIGARH**

(503)

FAO No.1706-2010 (O&M)

Virender Kumar and another Vs. Mahesh Kumar and others

Present: Mr. Sachin Mittal, Advocate for the appellants.

Mr. Subhash Goyal, Advocate for
respondent-Insurance Company.

The present appeal has been filed by the claimants seeking enhancement while seeking modification of the award dated 04.08.2009 *vide* which a compensation amounting to ₹ 3,55,600/- along with interest @ 9% p.a. from the date of the filing of the present claim petition till final realization was awarded.

As per the said award, an amount of ₹ 3,55,600 /- 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. Sachin Mittal, Advocate for the appellants, has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Sachin Mittal, Advocate, learned
counsel for the applicant(s)/appellants(s)/claimant(s).*

*On the instructions of my client(s) I am prepared
to accept ₹ 4,00,000/- (Four Lakhs only) over and*

above the amount already awarded by the MACT.

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 the appellants in proportion as already awarded by the MACT.

RO & AC Signatures: sd/- Sachin Mittal

Place: Chandigarh.

Dated: 11.08.2021.”

The statement of Shri Suryadeep Singh Thakur, Advocate, appearing for respondent-Insurance Company has also been recorded, which is reproduced herein below:-

*“Statement of Sh. Suryadeep Singh Thakur,
Advocate/ Dy. Manager/Manager/authorised
representative of **Reliance General Insurance
Company Ltd.** and Nigam K. Bhardwaj, Advocate.*

*I/We agree on behalf of the respondent company for full and final settlement of compensation at **Rs.400000/-** (Four Lakh) over and above the amount of **Rs.355600** 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.

RO & AC

*Signatures: sd/- **Suryadeep Singh Thakur***

Place: Chandigarh

Dated: _____ ”

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 ₹ 4,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Gurgaon, 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 4 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 ₹ 4,00,000/- in the name of the appellants/claimants will be deposited with the office of the Motor Accident Claims Tribunal, Gurgaon (now Gurugram), on or before 13.09.2021, failing which the interest @ 9% p.a. 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 claimant 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, Gurgaon (now Gurugram), 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 learned counsel/representative of the respondent-Insurance Company.

**(VIKAS BAHL)
PRESIDENT**

**(JAGMOHAN BANSAL)
MEMBER**

August 14, 2021.
sandeep