

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209/5

**CM-2032-CII-2021 &
CM-3409-CII-2017 in/ And
FAO No.1025 of 2017 (O&M)
Decided on : 01.04.2021**

Sudesh and Others

... Appellants

Versus

Jagbir and Others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.S. Momi, Advocate for the Appellants.

Mr. Punit Jain, Advocate for the applicant/ respondent No.3.

Rajbir Sehrawat, J. (Oral)

CM-2032-CII-2021

This application has been filed under Order XXIII Rule 3 read with Section 151 of CPC by the applicant-respondent No.3 for preponing the case and disposing of the same in terms of compromise.

Since the main case is listed for today, the application qua preponement is dismissed as infructuous. Qua remaining prayer for disposing of the appeal in terms of compromise is allowed, as prayed for.

CM-3409-CII-2017

This is an application filed under Section 5 of the Limitation Act for condoning the delay of 499 days in filing the appeal.

Notice of the application.

Mr. Punit Jain, Advocate for the applicant-respondent No.3, accepts notice of the application and submitted that he has no objection if the application is allowed.

For reasons mentioned in the application and in view of no objection by the counsel for respondent No.3, the delay of 499 days in filing the appeal is condoned.

The application stands allowed accordingly.

Main Case

The instant appeal has been filed by the claimants/dependants/ legal representatives of deceased-Vijay Kumar seeking enhancement of the compensation awarded to them by Motor Accident Claims Tribunal, Kaithal (in short, the Tribunal). After adjudication upon the claim petition, the Tribunal awarded an amount of ₹17,79,000/- alongwith interest and benefits, as specified in that award.

Now, it has been submitted by counsel for the respondent No.3- Insurance Company that the parties have amicably settled the dispute, under which the respondent No.3 has agreed to pay an amount of ₹1,75,000/- more, over and above the amount, which was awarded by the 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 ₹1,75,000/- more, over and above the amount already awarded by the Tribunal. It is further ordered that respondent No.3 shall deposit the above-said amount of ₹1,75,000/- 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.

1st April, 2021
Sonia Puri

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No