

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

506 *FAO-7107-2016 (O&M)*

***PASSO AND ORS
VS
SAROOP SINGH AND ORS***

Present: Mr. Lakhwinder Singh Mann, Advocate for the appellants.

Mr. Radhe Shyam Sharma, Advocate
for respondent No.2-Insurance Company.

(Through Video Conferencing)

CM-24410-CII-2016

This is an application for condonation of delay of 724 days in filing the present appeal.

For the reasons stated in the application and in view of the fact that the matter has been compromised, the delay of 724 days in filing the present appeal is condoned.

Application stands disposed of.

Main case

This is an appeal filed by the appellant-claimants for enhancement while seeking modification of the award dated 29.04.2014 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.6,05,000/- alongwith interest @ 7.5% per annum from the date of filing of the claim petition till realisation of the amount so awarded.

It has been brought to the notice of this Court that the matter has been compromised. The statement of Mr. Lakhwinder Singh Mann,

Advocate appearing for the appellant/claimants has been recorded, which is reproduced herein below:-

“Statement of Sh. Lakhwinder Singh Mann, Advocate, learned counsel for the appellants.

On the instructions of my client, I am prepared to accept Rs.4,50,000/- Four Lakh Fifty Thousand Only/- over and above the amount already awarded by the MACT.

This would be in full and final satisfaction of the claim of the appellants in the appeal.

The aforementioned amount may be paid to appellants in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/-, Adv.

Place: Chandigarh

Dated:11.09.2021”

The statement of Mr. Radhe Shyam Sharma, Advocate for respondent No.2-Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Sh. Radhe Shyam Sharma, Advocate, learned counsel for respondent/OIC.

On the instructions of my client(s) I am prepared to accept Rs.4,50,000/- Rupees Four lac & Fifty Thousand 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 appellant Nos.1, 2, 3 and respondent Nos.4, 5, 6.

RO/AC

Signatures:- Sd/-

Place:Chandigarh

Dated:0. 09.2021”

A perusal of the above statements would show that the claimants as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.4,50,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the 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 and respondent Nos.4 to 6 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.

Insurance Company has further stated that a cheque amounting to Rs.4,50,000/- in the name of claimants and respondent Nos.4 to 6, will be deposited before the concerned Motor Accident Claims Tribunal on or before 10.10.2021, 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 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,

Jalandhar, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

The concerned officer of the Motor Accident Claims Tribunal, Jalandhar shall issue proper receipt after receiving the Cheque/Demand Draft to learned counsel/representative of the respondent-Insurance Company. The appellant(s)/claimants/counsel for appellant(s) may collect the cheque from the concerned Tribunal.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
PRESIDENT

(AASHISH CHOPRA)
MEMBER

September 11, 2021.
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