

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-180-CII-2021 &
CM-10828-CII-2020 in/and
FAO-1261-2017
Date of Decision: January 14, 2021**

JASWINDER KAUR AND OTHERS

..... APPELLANT(s)

Versus

JASWINDER SINGH AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Kumar Saini, Advocate
for the applicant-appellants.

Mr. Harjinder Singh, Advocate
for applicant-respondent no.3-insurance company.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

CM-180-CII-2021

For the reasons mentioned in the application, same is allowed as prayed for. Affidavit of appellant no.1 – Jaswinder Kaur, is taken on record subject to just exceptions.

Application is disposed of.

CM-10828-CII-2020

This is a joint application filed on behalf of appellants and respondent no.3 - insurance company, for disposal of the appeal, which is listed for 25.03.2021, on the basis of settlement arrived at between the claimants-appellants and the insurance company.

It is submitted that the matter has been amicably resolved between the parties.

Learned counsel for the appellants as well as insurance company verify the factum of settlement between the parties.

Keeping in view the specific stand of the parties and at their request, hearing of the appeal is preponed from 25.03.2021 for today itself.

This appeal has been filed by the claimants – appellants seeking enhancement of the compensation awarded to them by the learned MACT, SBS Nagar, vide award dated 06.08.2016, on account of death of Jagroop Singh, (son of appellants no.1 and 3, brother of appellant no.2) in a motor vehicle accident. A sum of Rs.5 lakhs has been awarded to appellants no.1 and 2 by the learned Tribunal and amount of compensation has been directed to be apportioned between appellants no.1 and 2 in the ratio of 60 : 40.

It is submitted that during pendency of this appeal, in which notice is yet to be issued, matter has been amicably resolved by way of an oral settlement. It is agreed between the appellants and insurance company that a sum of Rs.9 lakhs over and above the amount awarded by learned MACT, SBS Nagar, vide impugned award dated 06.08.2016, would be paid to appellants no.1 & 2 by way of account payee cheques in the ratio as ascertained by the learned Tribunal.

Learned counsel for the appellants submits that he has specific instructions from the appellants to accept counter offer of the proposal of settlement. The appellants have agreed to accept a sum of Rs.9 lakhs over and above the amount awarded by the learned MACT, SBS Nagar, on account of death of Jagroop Singh, in the accident in question as full and final settlement of their claim.

Learned counsel for the insurance company submits that amount of Rs.9 lakhs shall be paid to the appellants through account payee cheques within a period of four weeks from today in the ratio as mentioned above.

Keeping in view the facts and circumstances as above, application is allowed and this appeal is disposed of in terms of settlement arrived at between the parties. Needless to say, appellants are at liberty to move appropriate application in this appeal, in case the cheques are not received/encashed.

14.01.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No