

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

548 *FAO-7623-2016 (O&M)*

***JITENDER
VS
PARDEEP KUMAR & OTHERS***

Present: Mr. Parveen Gaur, Advocate for the appellant.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

(Through Video Conferencing)

CM-25822-CII-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 347 days in filing the present appeal is condoned.

Application is allowed.

Main case

This is an appeal filed by the appellant-claimant for enhancement while seeking modification of the award dated 24.07.2015 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.2,32,680/- alongwith interest @ 9% 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. Parveen Gaur, Advocate appearing for the appellant/claimant has been recorded, which is reproduced herein below:-

“Statement of Sh. Parveen Gaur, Advocate, learned counsel for

the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept amount /Rupees 75,000/- 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 No.1 Jitender in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Parveen Gaur

Place: Chandigarh

Dated: 20.11.2021”

The statement of Sh. Rajbir Singh, Advocate of respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Sh. Rajbir Singh, Advocate/Dy.Manager,/Manager/authorized representative of Shri Ram GIC.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.75000/- (Rupees Seventy five thousand only), over and above the amount of Rs._____ already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalats (Daily/Bimonthly/National), failing which interest at the rate 9% per annum shall follow from the date of the settlement before the Hon'ble Bench..

Name, Mobile No. Enrolment No. and e-mail I.D. Of Claimant's Advocate is Sh. Parveen K. Gaur

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:- Yes

(b) Whether settled/non settled/want more time: Settled

RO/AC

Signatures:- Sd/- Rajbir Singh

Name of the Officer with Mobile Number and e-mail ID:

Place: Chd.

Dated: 20-11-2021 ”

A perusal of the above statements would show that the appellant/claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.75,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellants/claimants.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant 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.75,000/- in the name of appellant, will be deposited with the office of the Lok Adalat of this High Court on or before 21.12.2021, 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,

Kurukshetra, 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 for appellant(s) may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(AMIT JHANJI)
MEMBER

November 20, 2021.
Davinder Kumar