

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

536 FAO-1803-2017 (O&M)

**NARENDER
VS
SAJJAN AND OTHERS**

Present: Mr. Ajay Shekhawat, Advocate
 for the appellant.

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

(Through Video Conferencing)

CM-6058-CII-2017

This is an application for condonation of delay of 161 days in
filing the present appeal.

For the reasons stated in the application, which is duly supported
by an affidavit, delay of 161 days in filing the present appeal is condoned.

Application stands disposed of.

Main Case

This is an appeal filed by the appellant-claimant for enhancement
while seeking modification of the award dated 24.02.2016 vide which the
learned Motor Accident Claims Tribunal has awarded an amount of
Rs.1,43,500/- 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. Rajbir Singh, Advocate for
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 ICICI Lombard General
Insurance Company Limited.

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I/we agree on behalf of the respondent-company for full and final settlement of compensation of Rs.2,00,000/- (Rupees Two Lacs only), over and above the amount 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, Ajay Shekhawat.

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:

RAJBIR SINGH,

Advocate,

Mob: 9855521626

Email ID:- rajbirsinghadvocate81@gmail.com

Place: Chandigarh

Dated:12.08.2021”

A letter dated 25.03.2021 in the form of statement of Mr. Ajay Shekhawat, Advocate appearing for the appellant/claimant has already been recorded, which is reproduced herein below:-

“To

The Manager (Legal)

ICICI Lombard General Insurance Company Ltd.

Chandigarh

SUBJECT: For settlement of claim in case FAO No. 1803 of 2017 titled as Narender Vs. Sajjan and others (MACT Rohtak) .

Dear Sir,

In view of your counter offer of my proposal of settlement of claim, as discussed with your counsel Sh. Rajbir Singh. I am on instruction of my client, accepting the proposed enhanced of Rs.2,00,000/- (Rupees Two Lakhs Only) as full and final settlement of claim in aforesaid appeal on behalf of the appellant. Kindly issue cheque/ DD in favour of appellant-Narender.

Yours sincerely

*Signatures: Sd/-Ajay Shekhawat
Advocate”*

A perusal of the above statements would show that the claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.2,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellant/claimant.

Counsel appearing for the respondent No.3-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.2,00,000/- in the name of Sh. Narender-appellant, will be deposited with the office of the Lok Adalat of the Hon'ble High Court 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.

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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, Rohtak, 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.

All the pending miscellaneous application, if any, shall also stands disposed of, in view of the abovesaid order.

(VIKAS BAHL)
PRESIDENT

(JAGMOHAN BANSAL)
MEMBER

August 14, 2021.
Mehak