

**IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH**

**CM-10827-CII-2020 in/and  
FAO-7880-2016  
Date of Decision: January 14, 2021**

**FAKIR SINGH**

..... APPELLANT(s)

Versus

**JASWINDER SINGH AND OTHERS**

..... RESPONDENT(s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Anil Kumar Spehia, Advocate  
for the applicant-appellant.

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

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**LISA GILL, J.**

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

**CM-10827-CII-2020**

This is a joint application filed on behalf of appellant 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 claimant-appellant and the insurance company.

Learned counsel for the applicant-appellant submits that the matter has been amicably resolved between the parties. Learned counsel further submits that the appellant is hospitalized and could not submit a specific affidavit in respect to the settlement, however, he has clear and categorical instructions from the appellant that he is ready and willing to accept the compensation of Rs.6 lakhs over and above the amount awarded by learned

MACT, SBS Nagar as full and final settlement of his claim. In fact, it is on said instructions of the appellant that this joint application has been moved for disposal of this appeal.

Learned counsel for the parties 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 claimant – appellant seeking enhancement of the compensation awarded to him by learned MACT, SBS Nagar, vide award dated 06.08.2016, on account of death of Mahinder Kaur, wife of the appellant, in a motor vehicle accident. A sum of Rs.4.25 lakhs has been awarded to appellant by the learned Tribunal.

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 appellant and insurance company that a sum of Rs.6 lakhs over and above the amount awarded by learned MACT, SBS Nagar, vide impugned award dated 06.08.2016, would be paid to the appellant by way of account payee cheque.

Learned counsel for the appellant submits that he has specific instructions from the appellant to accept counter offer of the proposal of settlement. The appellant has agreed to accept a sum of Rs.6 lakhs over and above the amount awarded by the learned MACT, SBS Nagar, on account of death of Mahinder Kaur, wife of the appellant, in the accident in question as full and final settlement of his claim.

Learned counsel for the insurance company submits that amount of Rs.6 lakhs shall be paid to the appellant through account payee cheque within a period of four weeks from today.

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, appellant is at liberty to move appropriate application in this appeal, in case the cheque is not received/encashed.

**14.01.2021**  
Sunil

**(LISA GILL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No