

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

525 FAO-8094-2016

**Bishwa Laxmi and others
Vs
Warish and others**

Present: None for the appellants.

Mr. Abhimanyu Batra, Advocate
for respondent No.3-Insurance Company

(Through Video Conferencing)

CM-26903-CII-2016

This is an application for condonation of delay of 31 days in filing the present appeal.

For the reasons stated in the application, which is duly supported by an affidavit, the delay of 31 days in filing the present appeal is condoned.

Application stands disposed of.

FAO-8094-2016

The claimants are in appeal seeking enhancement while seeking modification of the award passed by the learned Motor Accident Claims Tribunal, Hisar dated 01.07.2016. As per the said award, an amount of Rs.14,02,000/- alongwith interest @ 7.5% p.a. from the date of filing of petition till actual realization along with costs have been passed in favour of the appellant/claimants. The matter has been compromised. The statement

of Shri Pradeep Pathak, authorised representative of respondent No.3- Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Sh. Pradeep Pathak, Dy. Manager/authorised representative of Chola Ms. GIC.

I/We agree on behalf of the respondent-company for full and final settlement of compensation at Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand) 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 Adalat, failing which interest at the rate of 9% per annum shall follow from the date of the settlement before the Lok Adalat.

RO & AC

Signatures: sd/- Pradeep Pathak

Place: Chandigarh

Dated: 6.07.2021”.

The statement of Shri Ram Kumar Saini, Advocate, appearing for the appellant/claimants has also been recorded, which is reproduced herein below:-

“Statement of Sh. Ram Kumar Saini, Advocate, learned counsel for the applicant(s)/appellant (s)/claimant(s).

On the instructions of my client(s) I am prepared to accept Rs.3,50,000/-(Rupees Three 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 appellant(s) in the appeal.

The aforementioned amount may be paid to appellant No.1 in equal proportion as already awarded by the MACT.

RO & AC

Signatures: sd/-Ram Kumar Saini

Place: Chandigarh

Dated: 05.07.2021”.

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 ₹ 3,50,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Hisar, will be paid by the Insurance Company to the appellant No.1/claimant.

Counsel appearing for respondent No.3-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants 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.

Counsel appearing for respondent No.3-Insurance Company has further stated that an amount of ₹3,50,000/- in the name of the appellant No.1-Bishwa Laxmi will be deposited with the office of the Lok Adalat of this Hon'ble High Court on or before 08.08.2021, 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, Hisar, 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/appellant(s) may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(AMIT JAIN)
MEMBER

July 10, 2021.
jitesh (jts)