

[104-2] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-14064-CII-2021 in/and
FAO-2213-2017

Date of Decision : 16.12.2021

Sat Pal and others ...Appellants
versus
Liyakat Ali and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Puneet Jain, Advocate for the applicant-
respondent No.3/Insurance Company.

Mr. Sandeep Singh, Advocate
for the non-applicants/appellants.

B.S. Walia, J. (Oral)

CM-14064-CII-2021

Notice of the application to the counsel for the non-applicants /
appellants.

Mr. Sandeep Singh, Advocate puts in appearance and accepts
notice on behalf of the non-applicants / appellants and states that he has no
objection to the prayer for pre-ponement and for hearing the matter today
itself.

Accordingly, in view of the statement of learned counsel for the
non-applicants / appellants, the application for early hearing is *allowed* and
with the consent of learned counsel for the parties the main case is taken up
for hearing and decision today itself.

CM-7303-CII-2017 and CM-7304-CII-2017

Learned counsel for the parties contend that the matter has been compromised before the learned Bi-Monthly Lok Adalat on the appellants accepting the offer of the Insurance Company for payment of Rs.6.50 lakhs over & above the amount of compensation already awarded by the learned Tribunal. Learned counsel however contends that the matter could not be disposed of before the learned Bi-Monthly Lok Adalat on account of pendency of applications for condonation of delay.

Learned counsel for the respondent-Insurance Company states that the respondents do not oppose the prayer in the applications for condonation of 139 days delay in filing and 08 days delay in re-filing the appeal.

Accordingly, in view of the statement of learned counsel for the respondent-Insurance Company and for the reasons as are mentioned in the applications, the same are allowed. Delay of 139 days in filing and 08 days in re-filing the appeal is condoned, subject to all just exceptions.

CMs disposed of accordingly.

FAO-2213-2017

[1] In view of the offer by the respondent-Insurance Company to the appellants for making payment of a sum of Rs.6.50 lakhs over & above the amount of compensation already awarded by the learned Tribunal having been accepted by the appellants, the appeal is *disposed of* in terms thereof.

[2] Accordingly, award dated 10.03.2016 passed by the Motor Accident Claims Tribunal, Yamunanagar is *modified* to the extent that the respondent-Insurance Company would make payment of a sum of Rs.6.50

lakhs over & above the amount of compensation already awarded by the learned Tribunal to the appellants by way of Demand Draft / Account Payee Cheque within 04 weeks from today in the same proportion as has been awarded by the learned Tribunal.

(B.S. Walia)
Judge

16.12.2021
'Rajneesh'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*