

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

530 FAO-1607-2018

AARTI & ORS.

VS

DARBARA SINGH & OTHERS

Present: Mr. Dheeraj Narula, Advocate for the appellants.

Mr. Rajbir Singh, Advocate with
Mr. Amit Vyas, Deputy Manager and
Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

(Through Video Conferencing)

This is an appeal filed by the appellants-claimants for enhancement while seeking modification of the award dated 06.09.2017 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.11,43,000/- 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. Dheeraj Narula, Advocate appearing for the appellants/claimants has been recorded, which is reproduced herein below:-

“Statement of Sh. Dheeraj Narula, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.7,00,000/-/- Rupees Seven Lacs 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.

25% appellant no.1 (Aarti), 25% appellant no.2 (Kartik minor FDR be made), 25% appellant no.3 (Veerpall Kaur), 25% appellant no.4 (Deepak now major) in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Dheeraj Narula

Advocate

Place: Chandigarh

Dated: 10.12.2021”

The statement of Sh. Rajbir Singh, Advocate and Sh.Amit Vyas Deputy Manager-Legal representative of Shri Ram General Insurance Co. has been recorded. The same is reproduced herein below:-

“Statement of Sh. Rajbir Singh, Advocate and Sh.Amit Vyas, Deputy Manager-Legal representative of Shri Ram General Insurance Co.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.7,00,000/- (Rupees Seven lac only), over and above the amount _____ already awarded by the MACT with an undertaking to pay/deposit the same as per the order that may be passed by the Lok Adalat (daily/Bimonthly/National) Benches, 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. Dheeraj Narula.

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:- Yes/No

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

RO/AC

Signatures:- Sd/-

Name of the Officer Sh.Rajbir Singh, Advocate

Sh.Amit Vyas, Dy.Manager

Place: Chandigarh

Dated: 07-12-2021”

A perusal of the above statements would show that the appellants/claimants as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.7,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the 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. The enhancement amount of Rs.7 lacs will be divided among all the four appellants in equal proportion of 25% each.

Insurance Company has further stated that a cheque amounting to Rs.7,00,000/- in the name of appellants, will be deposited with the office of the Lok Adalat of this High Court on or before 10.01.2022, 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, Sirsa, 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

December 11, 2021.

Davinder Kumar