

FAO-221-2018

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

(559)

FAO-221-2018 (O&M)

Ram Swroop through his LRs and others

Vs.

Pali Singh and others

Present: Mr. Sandeep Kotla, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3.

(Through Video Conferencing)

CM-697-CII-2018

This is an application under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 26 days in filing the appeal.

For the reasons stated in the application, same is allowed and delay of 26 days in filing the appeal is condoned.

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The present appeal has been filed by the claimant seeking enhancement while seeking modification of the award dated 07.04.2017 *vide* which a compensation amounting to ₹ 11,06,600/- along with interest @ 7.5 % p.a. from the date of the filing of the claim petition till final realization, has been awarded.

As per the said award, an amount of ₹ 11,06,600/- along with interest @ 7.5 % p.a from the date of the filing of petition till actual realization along with cost have been passed in favour of the appellant/claimant. The matter has been compromised. The statement of Mr. Sandeep Kotla, Advocate for the appellant has been recorded. The same is reproduced herein below:-

“Statement of Sh. Sandeep Kotla, Advocate, learned

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counsel for the appellant.

On the instructions of my client(s) I am prepared to accept ₹ 300000/- (Rupees Three lakh 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.3 Sonu in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Sandeep Kotla P/1065/93

Place: Chandigarh.

Dated 0 .07.2021. 9417048318

11.12.2021”

The statement of Shri Punit Jain, Advocate, appearing for respondent No.3-Insurance Company has also been recorded, which is reproduced herein below:-

“Statement of Sh. Punit Jain, Advocate/ Dy. Manager/Manager/authorised representative of Chola Mandalam MS General Insurance Company.

I/We agree on behalf of the respondent company for full and final settlement of compensation at Rs.3,00,000/- (Rs.THREE LAKHS ONLY) over and above the amount of _____ 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 (Daily/Bi - monthly/National) Benches, failing which interest at the rate of 9% per annum shall follow from the date of the settlement

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before the Hon'ble Bench subject to just exceptions.

- *Name, Mobile No. Enrolment No. and e-mail I.D. Of*

Claimant's Advocate is Naveen Mandhan

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/- (Punit Jain) Advocate P-1434-2003

987234587

Name of the Officer with Mobile number and e-mail I.D

Place: Chandigarh

Dated:10.12.2021.”

A perusal of the above statement would show that the claimants and the Insurance Company have compromised the matter by stating that a compensation of ₹ 3,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Fatehabad, will be paid by the Insurance Company to the appellant/claimant.

Learned counsel appearing for respondent No.2-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant within a period of four 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.

Learned counsel for the Insurance Company has further stated that an amount to the tune of ₹ 3,00,000/- in the name of the appellant/claimant will be deposited with the office of the Lok Adalat of this Court on or before 10.01.2021, failing which the interest @ 9% p.a. shall follow at this amount till

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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, Fatehabad, stands modified in terms of the said compromise. The parties will be bound by the said compromise.

Learned counsel for the appellant has submitted that as per the compromise, the enhanced amount of Rs.3,00,000/- is to be paid to appellant No.3-Master Sonu.

The concerned officer of the learned Tribunal shall issue proper receipt after receiving the cheque to the learned counsel/representative of the respondent-Insurance Company.

(VIKAS BAHL)
PRESIDENT

(AMIT JHANJI)
MEMBER

December 11, 2021.
sandeep