

**BEFORE THE BI-MONTHLY LOK ADALAT
PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

519 FAO-6292-2017

BUTA MASIH @ BOOTA SINGH VS RAJ KUMAR & ORS.

Present: Mr. Pawan Attri, Advocate
 for the appellant.

 Mr. R.C. Kapoor, Advocate and
 Mr. Lalit Garg, Advocate
 for respondent No.4-Insurance Company.

(Through Video Conferencing)

The present appeal has been filed by the claimant seeking enhancement while seeking modification of the award dated 22.03.2017 vide which a compensation amounting to ₹ 2,70,488/- along with interest @ 9 % 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 ₹ 2,70,488 /- along with interest @ 9 % 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. Pawan Attri, Advocate for the appellant has been recorded. The same is reproduced herein below:-

*“Statement of Mr. Pawan Attri, learned counsel for
the appellant:-*

*On the instructions of my client I am prepared to
accept ₹ 70,000/- (Rupees Seventy 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 in the appeal. The aforementioned amount may be paid to the appellant as already awarded by the MACT.

RO & AC

Signatures: Sd/-Pawan Attri

Place: Chandigarh.

Dated 20.11.2021

The statement of Shri R.C. Kapoor, Advocate and Mr. Lalit Garg, Advocate, appearing for respondent No.4-Insurance Company has also been recorded, which is reproduced herein below:-

“Statement of Sh. R.C. Kapoor and Mr. Lalit Garg, Advocate/ Dy. Manager/Manager/authorised representative of The New India Assurance Company Limited. I/We agree on behalf of the respondent company for full and final settlement of compensation at ₹70,000/- (Rupees Seventy Thousand only) over and above the amount of Rs.2,70,488/- 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 before the Hon'ble Bench subject to just exceptions.

• Name, Mobile No. Enrolment No. and e-mail I.D. Of Claimant's Advocate is 9781816045.

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/- Sh. R.C. Kapoor and Mr. Lalit Garg

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

Place: Chandigarh

Dated: 20.11.2021.

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 ₹ 70,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Kurukshetra, will be paid by the Insurance Company to the appellant/claimant.

Learned counsel appearing for respondent No.4-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant within a period of six 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 ₹70,000/- in the name of the appellant/claimant will be deposited with the office of the Motor Accident Claims Tribunal, Kurukshetra on or before 02.01.2022, 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.

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

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

November 20, 2021
anju rani