

FAO-3770-2018

(Through Video Conferencing)

The present appeal has been filed by the claimant seeking enhancement while seeking modification of the award dated 01.08.2017 *vide* which a compensation amounting to ₹ 2,06,949/- 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 ₹ 2,06,949/- 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. Naveen Mandhan, Advocate for the appellant has been recorded. The same is reproduced herein below:-

*“Statement of Sh. Naveen Mandhan, Advocate,
learned counsel for the appellant.*

On the instructions of my client(s) I am prepared to accept ₹ 100000/- (Rupees One lac) 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.

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

RO & AC

Signatures: Sd/- Naveen Mandhan

Place: Chandigarh.

Dated 17.11.2021.”

The statement of Shri Punit Jain, Advocate, appearing for respondent No.2-Insurance Company has also been recorded, which is reproduced herein below:-

“Statement of Sh. Punit Jain, Advocate/ Dy. Manager/Manager/authorised representative of HDFC Ergo General Insurance Company (earlier L&T Insurance Co.) R. No.2.

*I/We agree on behalf of the respondent company for full and final settlement of compensation at **Rs.1,00,000/-** (ONE LAKH ONLY) over and above the amount of Rs.2,06,949/- 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*

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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)

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

Place: Chandigarh

Dated:17.11.2021.”

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 ₹ 1,00,000/- 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.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 ₹ 1,00,000/- in the name of the appellant/claimant will be deposited with the office of the Lok Adalat of this Court on or before 02.01.2022, failing which the interest @ 9% p.a.

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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, 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.

sandeep