

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-469-CII-2021 in/and
FAO-6864-2017 (O&M)
Date of Decision: January 21, 2021**

KISHAN DEI @ KISHAN AND OTHERS

..... APPELLANT(s)

Versus

CHANDERPAL AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate
for applicant-respondent no.3-insurance company.

Mr. Rajesh Goyal, Advocate
for the non-applicant/appellants.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in CM-469-CII-2021 is for listing of the appeal and its disposal in terms of the compromise arrived at between the appellants and respondent no.3-insurance company. It is submitted that the matter has been amicably resolved between the parties.

Learned counsel for the appellants as well as insurance company verify the factum of settlement between the parties.

Keeping in view the specific stand of the parties and at their joint request, main appeal, which is listed for 26.02.2021, is taken on Board for hearing, today itself.

For the reasons mentioned in the application (CM-22324-CII-2017), supported by an affidavit of the applicant, same is allowed as prayed for. Delay of 145 days in filing the present appeal is condoned. Application is accordingly disposed of.

This appeal has been filed by the appellants seeking enhancement of the compensation awarded to appellant no.1, by the learned MACT, Panipat vide award dated 14.07.2016, on account of death of Surender (husband of appellant no.1 and father of appellants no.2 to 4) in a motor vehicle accident. A sum of Rs.4,33,000/- has been awarded to appellant no.1 – Kishan Dei by the learned Tribunal.

It is submitted that during pendency of this appeal, matter has been amicably resolved by way of an oral settlement. It is agreed between the appellants and insurance company that a sum of Rs.3 lakhs over and above the amount awarded by learned MACT, Panipat vide impugned award dated 14.07.2016, would be paid to appellant no.1 by way of account payee cheque.

Learned counsel for the appellants submits that he has specific instructions from the appellants to accept counter offer of the proposal of settlement. The appellants have agreed to accept a sum of Rs.3 lakhs over and above the amount awarded by the learned MACT, Panipat on account of death of Surender in the accident in question as full and final settlement of their claim. Learned counsel for the appellants submits that appellants no.2 to 4 have no objection to the cheque being released to appellant no.1, in terms of the settlement.

Learned counsel for the insurance company submits that amount of Rs.3 lakhs shall be paid to appellant no.1 through account payee cheque within one week. Photocopy of the letter (Annexure A-1) regarding settlement

of claim from Mr. Rajesh Goyal, Advocate, counsel for the appellants and photocopy of cheque (Annexure A-2) are annexed along with the application.

Keeping in view the facts and circumstances as above, application is allowed and this appeal is disposed of in terms of settlement arrived at between the parties. Needless to say, appellant no.1 is at liberty to move appropriate application in this appeal, in case the cheque is not received/encashed. A copy of this order be conveyed to the appellants at the address available on the file.

21.01.2021

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No