

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

552 *FAO-7011-2017 (O&M)*

***SUBODH (MINOR) THROUGH HIS NATURAL
GUARDIAN SMT. DIVYA
VS
JAGDISH AND OTHERS***

Present: Mr. Naveen Daryal, Advocate for the appellant.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

(Through Video Conferencing)

CM-22635-CII-2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 734 days in refiling the present appeal is condoned.

Application is allowed.

Main case

This is an appeal filed by the appellant-claimant for enhancement while seeking modification of the award dated 13.01.2014 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.55,757/- 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. A letter dated 28.10.2021 written by Mr. Naveen Daryal, Advocate appearing on behalf of the appellant/claimant regarding the settlement, is reproduced herein below:-

“Ref. No.....

Date: 28.10.2021

To

The Manager (Legal)

Shri Ram General Insurance Company Ltd.

Chandigarh/Jaipur.

Subject:- For settlement of claim in case FAO No.7011 of 2017 Subodh Vs. Jagdish & others (MACT Karnal).

Dear Sir,

In view of your counter offer of my proposal of settlement of claim, as discussed with your counsel Sh. Rajbir Singh. I am on instruction from my client, accepting the proposal enhanced of Rs.130,000/- (Rupees One Lakh Thirty Thousand Only) as full and final settlement of claim in aforesaid appeal on behalf of the appellant. Kindly issue cheque/DD in favour of appellant Subodh.

Yours Sincerely

Sd/- Naveen Daryal

Advocate”

The statement of Sh. Rajbir Singh, Advocate for respondent No.3-Insurance Company has been recorded which is reproduced herein below:-

“Statement of Sh. Rajbir Singh, Advocate/Dy.Manager,/Manager/authorized representative of Shri Ram GIC.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.1,30,000/- (Rupees One Lakh Thirty Thousand only), over and above the amount of Rs._____ already awarded by the MACT with an undertaking to pay/deposit the same as per the orders that may be passed by the Lok Adalats (Daily/Bimonthly/National), 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 Naveen Daryal*

Note:- Please tick the appropriate option

*(a) Whether consent of counsel for the claimant/appellant have
been obtained:- Yes*

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

RO/AC

Signatures:- Sd/- Rajbir Singh

Name of the Officer with Mobile Number and e-mail ID:

Place: Chandigarh

Dated: 16-11-2021”

A perusal of the above statements would show that the appellant/claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.1,30,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellant/claimant.

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.

Insurance Company has further stated that a cheque amounting to Rs.1,30,000/- in the name of appellant, will be deposited with the office of the Lok Adalat of this High Court on or before 21.12.2021, 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, Karnal, 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

November 20, 2021.
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