

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

(513)

FAO No.471-2018 (O&M)

Hawa Singh and another Vs. Jagdish and others

Present: Mr. Rajesh Dhankhar, Advocate for the appellants.

Mr. Amit Kumar Goyal, Advocate for
respondent No.3-Insurance Company.

CM-1492-CII-2018

This is an application under Section 5 of Limitation Act for
condonation of delay of 260 days in filing of the appeal.

For the reasons stated in the application, the same is allowed
and delay of 260 days in filing the appeal is condoned.

FAO No.471-2018

The present appeal has been filed by the appellant/claimants
seeking enhancement while seeking modification of the award dated
09.12.2016 *vide* which a compensation amounting to ₹ 14,34,600/- along
with interest @ 9 % p.a. from the date of the filing of the claim petition till
realization, has been awarded by the Motor Accident Claims Tribunal,
Bhiwani.

As per the said award, an amount of ₹ 14,34,600 /-
alongwith interest @ 9% p.a from the date of the filing of petition till actual
realization along-with costs have been passed in favour of the
appellant/claimants. The matter has been stated to be compromised. The

statement of Mr. Rajesh Dhankhar, Advocate for the appellants has been recorded. The same is reproduced herein below:-

“Statement of Sh. Rajesh Dhankar, Advocate, learned counsel for the applicant(s)/appellant(s)/ claimant(s), as well as on behalf of proforma Respondent No.4 (who is also claimant/wife of deceased).

On the instructions of my client(s) I am prepared to accept ₹ 1,25,000/- (Rupees One Lakh twenty Five 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(s) in the appeal.

The aforementioned amount may be paid to all appellants as well as proforma Respondent No.4 in proportion as already awarded by the MACT.

Note: Yesterday Respondent No.4 has sent me wakalatnama which has already put by me in the whats app group.

RO & AC

Signatures: Sd/-Rajesh Dhankhar

Place: Chandigarh.

Dated 11.09.2021”

The statement of Mr. Amit Kumar Goyal, Advocate, appearing for respondent No.3-Insurance Company has also been recorded, which is

reproduced herein below:-

*“Statement of Sh. Amit Kumar Goyal,
Advocate/ Dy. Manager/Manager/authorised
representative of Oriental Insurance Company.*

*I/We agree on behalf of the respondent-
company for full and final settlement of compensation at
Rs.1,25,000- (Rupees One Lakh Twenty Five Thousand
Only) over and above the amount of Rs.14,34,600/-
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 Rajesh Dhankhar (Advocate)
08427761088.*

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/- Amit Kumar Goyal (Adv.)

P-731/06, 9815451777.

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

Place:Chandigarh

Dated:11.09.2021.”

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 ₹ 1,25,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Bhiwani, will be paid by the Insurance Company to the appellant/claimants.

Learned counsel appearing for respondent No.3-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants 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.

Learned counsel for the Insurance Company has further stated that an amount to the tune of ₹ 1,25,000/- in the name of the appellant/claimants will be deposited with the office of the Lok Adalat of this Court on or before 10.10.2021, 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, Bhiwani, 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 to learned counsel/representative of the respondent-Insurance Company. The appellant (s) counsel/appellant(s) may collect the cheque from the office of the Lok Adalat.

**(VIKAS BAHL)
PRESIDENT**

**(AASHISH CHOPRA)
MEMBER**

September 11, 2021.
sandeep