

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

519 FAO-584-2018

***DALIP KUMAR
VS
SANDEEP KUMAR AND OTHERS***

Present: Mr. Ankur Gupta, Advocate for the appellant.

Mr. Nonish Kumar, Advocate
for respondent Nos.1 and 2.

Mr. Mayank Mathur, Advocate
for respondent No.3-Insurance Company.

(Through Video Conferencing)

This is an appeal filed by the appellant-claimant for enhancement while seeking modification of the award dated 08.09.2017 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.7,28,000/- alongwith interest @ 7.5% per annum 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. The statement of Mr. Ankur Gupta, Advocate appearing for the appellant/claimant has been recorded, which is reproduced herein below:-

“Statement of Sh. Ankur Gupta, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.3,75,000/- Rupees Three lakh Seventy Five Thousands 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 appellant No.1 in

proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/-, Ankur Gupta

Place: Chandigarh

Dated: 11.09.2021”

The statement of Mr. Mayank Mathur, Advocate for respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Sh. Mayank Mathur, Advocate, Learned Counsel for the respondent Oriental Insurance Company.

On instructions of my client, I am prepared to offer Rs.3,75,000/- (Rupees Three lac seventy five thousand) over and above the amount already awarded by the MACT.

This would be in the full and final settlement of the claim of the appellants in the appeal.

The aforementioned amount may be paid to appellants in proportion as settled by the MACT.

Signatures:- Sd/-

Chandigarh

Dated: 11.09.2021”

A perusal of the above statements would show that the claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.3,75,000/- 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 No.3-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.3,75,000/- in the name of appellant, will be deposited with the office of the Lok Adalat of this High 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, Ludhiana, 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

(AASHISH CHOPRA)
MEMBER

September 11, 2021.
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