

FAO-8724-2017 (O&M)

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

(597)

FAO-8724-2017 (O&M)

Nayeema Akhtar and others

Vs.

Satish Kumar and others

Present: Mr. R.C. Gupta, Advocate for the appellants.

Mr. Rajbir Singh Advocate for No.7-Insurance Company.

(Through Video Conferencing)

CM-28233-CII-2017

Application is allowed as prayed for, subject to all just exceptions.

CM-28234-CII-2017

This is an application seeking condonation of delay of 12 days in re-filing the appeal.

For the reasons stated in the application, the same is allowed and delay of 12 days in re-filing the appeal is condoned.

CM-28235-CII-2017

This is an application seeking condonation of delay of 1427 days in filing the appeal.

For the reasons stated in the application, the same is allowed and delay of 1427days in filing the appeal is condoned.

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The present appeal has been filed by the claimants seeking enhancement while seeking modification of the award dated 10.07.2013 *vide* which a compensation amounting to ₹ 22,32,660/- along with interest @ 7.5 % p.a. from the date of the filing of the claim petition till final realization, has been awarded.

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As per the said award, an amount of ₹ 22,32,660/- 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 appellants/claimants. The matter has been compromised. The statement of Mr. R.C. Gupta, Advocate for the appellants has been recorded. The same is reproduced herein below:-

“Statement of Sh. R.C. Gupta (Advocate), Advocate, learned counsel for the appellants.

On the instructions of my client(s) I am prepared to accept ₹ 26,00,000/- (Rupees Twenty Six Lac Rupees 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 (Nayeema Akhtar) entirely within 1 month in full and final

*Sd/-
R.C. Gupta
Advocate
P/550/1980
Ph-9815975365*

Dated 11-12-2021

Chandigarh”

The statement of Sh. Rajbir Singh, Advocate with Sh. Amritpal Singh Sandhu, Advocate, appearing for respondent No.7-Insurance Company has also been recorded, which is reproduced herein below:-

“Statement of Sh. RAJBIR SINGH, Advocate with AMRITPAL SINGH SANDHU Legal Manager/authorized representative of ICICI Lombard General Insurance Company Limited.

I/We agree on behalf of the respondent company for

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full and final settlement of compensation at Rs26,00,000/- (Rupees TWENTY-SIX LAKH 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 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 Adv. R C GUPTA*

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. : Settled.

RO/AC

Signatures: Sd/- (Rajir Singh, Amritpal Singh Sandhu)

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

RAJBIR SINGH

AMRITPAL SINGH SANDHU

Advocate

Legal Manager/Authorized Signatory

Mob:9855521626

ICICI LOMBARD GENERAL

INSURANCE COMPANY LTD.

Email Id:rajbirsinghadvocate81@gmail.com

Place: Chandigarh

Dated:10.12.2021

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 ₹ 26,00,000/- over and above the amount already awarded by

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the learned Motor Accident Claims Tribunal, Patiala, will be paid by the Insurance Company to the appellant/claimant.

Learned counsel appearing for respondent No.7-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 ₹ 26,00,000/- in the name of the appellant/claimant will be deposited with the office of the Lok Adalat of this Court on or before 10.01.2022, 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 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, Patiala, 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

December 11, 2021.
sandeep