

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

560

FAO-7986-2016 (O&M)

Rahul Kumar

Vs.

Balwinder Singh and others

Present: Mr. Surender Singh Dalal, Advocate and
Mr. Manvinder Singh Dalal, Advocate
for the appellant.

Respondents No. 1 and 2 exparte.

Mr. Sanjeev Kodan, Advocate and
Ms. Pallavi Supehia, authorized representative
for respondent No.3-Insurance Company.

None for respondent No. 4.

(Through Video Conferencing)

CM-26804-CII-2016

This is an application for condonation of delay of 169 days in
filing the present appeal.

For the reasons stated in the application, which is duly supported
by an affidavit, delay of 169 days in filing the present appeal is condoned.

Application stands allowed.

Main Case

This is an appeal filed by the appellant-claimant for enhancement
while seeking modification of the award dated 18.09.2015 vide which the
learned Motor Accident Claims Tribunal, Ludhiana has awarded an amount of
Rs.6,83,340/- 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. Manvinder Singh Dalal, Advocate appearing for the appellant/claimant has already been recorded, which is reproduced herein below:-

“Statement of Sh. Manvinder Singh Dalal, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.2,00,000/- Rupees Two Lac 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- Rahul Kumar in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/-Manvinder Singh Dalal, Adv.

Place: Chandigarh

Dated:03.09.2021”

The statement of Ms. Pallavi Supehia, authorized representative for respondent No.3-Insurance Company has been recorded. The same is reproduced herein below:-

“Statement of Ms. Pallavi Supehia, Advocate/Dy.Manager,/ Manager/authorized representative of IFFCO TOKIO General Insurance Company Limited.

I/we agree on behalf of the respondent-company for full and final settlement of compensation of Rs.2,00,000/- (Rupees Two Lakhs only), over and above the amount of Rs.6,83,340/- 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, Surender Singh Dalal P/661/1980,9415062647,

ssdalal@hotmail.com

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/-

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

Pallavi Supehia

Advocate,

Mob: 7428296998

Email ID:- pallavisupehia@iffcotokio.com

Place: Chandigarh

Dated:31.08.2021”

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.2,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Ludhiana 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.2,00,000/- in the name of Rahul Kumar-appellant, 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, 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.

Pending miscellaneous application, if any, shall also stands disposed of, in view of the abovesaid order.

(VIKAS BAHL)
PRESIDENT

(AASHISH CHOPRA)
MEMBER

September 11, 2021.
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