

CM-1834-CII-2021 in/and
FAO-3626-2017 (O&M)
Date of decision : April 06, 2021

Vinod Kumar

..... Appellant

Versus

Vikas Kamboj and others

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajneesh Malhotra, Advocate for applicant/respondent No. 3.

Mr. Rajesh Duhan, Advocate for the non-applicant/appellant.

LISA GILL, J.

Prayer in CM-1834-CII-2021 is for preponment of hearing of the appeal which is listed for hearing on 09.08.2021 and disposal of the same in terms of the oral compromise arrived at between the parties.

It is submitted that the matter has been amicably resolved between the parties.

Notice of the application.

Mr. Rajesh Duhan, Advocate accepts notice on behalf of the non-applicant/appellant. Learned counsel for the appellant affirms and verifies that an oral settlement has been arrived at between the appellant and the insurance company. Affidavit dated 18.02.2021 of the appellant in respect to the settlement is taken on record.

Keeping in view the specific stand of the parties, hearing of the appeal is preponed from 09.08.2021 for today itself.

This appeal has been filed by the claimant – appellant seeking enhancement of compensation awarded to him by the learned MACT, Karnal, vide award dated 14.09.2016, on account of injuries sustained by him in a motor vehicle accident. Sum of Rs.1,01,400/- has been awarded by the learned Tribunal.

It is submitted that during pendency of this appeal, the matter has been amicably resolved by way of an oral settlement. Consent of the appellant to the settlement has been conveyed to the insurance company by their counsel vide letter dated 25.01.2021, on specific instructions. It is agreed between the appellant and insurance company that a sum of Rs.4,00,000/- over and above the amount awarded by learned MACT, Karnal vide impugned award dated 14.09.2016, would be handed over to the appellant.

Learned counsel for the appellant submits that he has specific instructions from the appellant to accept the counter offer of the proposal of settlement. Appellant – Vinod agrees to accept a sum of Rs.4,00,000/- over and above the amount awarded by the learned MACT, Karnal on account of injuries sustained by him in the accident in question as full and final settlement of his claim. A photocopy of the Account Payee Cheque, dated 12.02.2021 of Rs.4,00,000/- in favour of the appellant is attached as Annexure A2. The same is taken on record subject to just exceptions. Affidavit dated 01.04.2021 of appellant in respect to the settlement as above is on record.

Learned counsel for the insurance company submits that abovesaid cheque of Rs.4,00,000/- shall be handed over to the appellant/their counsel within one week.

Keeping in view the facts and circumstances as above, application is allowed and this appeal is disposed of in terms of settlement arrived at between the parties. Needless to say, appellant is at liberty to move appropriate application in this appeal, in case the cheque is not encashed.

A copy of this order be conveyed to the appellants at given address.

April 06, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No Whether reportable : Yes/No