

FAO-157-2019 (O&M)

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

(535)

FAO-157-2019 (O&M)

Kulwant and others

Vs.

Kasam Din and others

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

Mr. Rajbir Singh, Advocate and Mr. Amit Vyas, Deputy Manager,
Legal representative of respondent No.2-Insurance Company.

(Through Video Conferencing)

CM-579-CII-2019

This is an application under Section 5 of the Limitation Act, 1963
for condonation of delay of 40 days in filing the appeal.

For the reasons stated in the application, the same is allowed and
delay of 40 days in filing the appeal is condoned.

FAO-157-2019

The present appeal has been filed by the claimant seeking
enhancement while seeking modification of the award dated 05.07.2018 *vide*
which a compensation amounting to ₹ 11,50,000/- along with interest @ 7 %
p.a. from the date of the filing of the claim petition till final realization, has been
awarded.

As per the said award, an amount of ₹ 11,50,000/- along with
interest @ 7 % p.a from the date of the filing of petition till actual realization
along with cost have been passed in favour of the appellant/claimant. The matter
has been compromised. The statement of Mr. Rajesh Lamba, Advocate for the
appellant has been recorded. The same is reproduced herein below:-

FAO-157-2019 (O&M)

“Statement of Sh. Rajesh Lamba, Advocate, learned counsel for the appellant.

On the instructions of my client(s) I am prepared to accept ₹ 3,70,000/- (Rs. Three Lakh Seventy Thousand) 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 As per MACT in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- Rajesh Lamba

Place: Chandigarh.

Date: 10.12.2021

The statement of Sh. Rajbir Singh, Advocate with Sh. Amit Vyas, Deputy Manager-Legal representative of Shri Ram General Insurance Company, appearing for respondent No.2-Insurance Company has also been recorded, which is reproduced hereinbelow:-

“Statement of Sh. Rajbir Singh, Advocate and Sh. Amit Vyas, Deputy Manager-Legal representative of Shri Ram General Insurance Co.

I/We agree on behalf of the respondent company for full and final settlement of compensation at Rs. 3,70,000/- (Rupees Three Lac Seventy thousand) 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 -

FAO-157-2019 (O&M)

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. Rajesh Lamba*

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, Amit Vyas, Dy. Manager)

Name of the Officer Sh. Rajbir Singh, Advocate Sh. Amit Vyas, Dy. Manager

Place: Chandigarh

Dated:07.12.2021

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 ₹ 3,70,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, Faridabad, will be paid by the Insurance Company to the appellant/claimant.

Learned counsel appearing for respondent No.2-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 ₹ 3,70,000/- in the name of the appellant/claimant will

FAO-157-2019 (O&M)

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, Faridabad, 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