

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No. 344 of 2019

DATE OF DECISION :- November 21, 2022

Ram Kishan

...Appellant

Versus

Kamal Kishore and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Pawandeep Singh, Advocate for the appellant.

Sh. Kamal Kishore, aged about 30 years, son, Ms. Suman daughter of Smt. Swaran Kaur had got a claim petition on account of death of their mother Smt. Swaran Kaur, in a motor vehicular accident, which took place on 29.11.2016 at about 6.15 P.M. in the area of village Jhande Chak, Dinanagar, Tehsil and District Gurdaspur, statedly on account of rash and negligent driving of motorcycle bearing registration No. PB-35-Q-9801 by respondent No. 1 Ram Kishan.

In the said claim petition the claimants have impleaded Sh. Ram Kishan as respondent No. 1. Although the Insurance Company of the motorcycle was impleaded since it transpired that motorcycle in question was not insured at the time of accident, no Insurance Company could be impleaded as respondent No. 2.

After contest, the claim petition was accepted by Motor Accident Claims Tribunal, Gurdaspur, who vide Award dated 20.10.2018 compensation of Rs.5,64,000/- awarded to both the claimants with interest at the rate of 9% per annum payable by respondent Ram Kishan in equal

shares.

Feeling aggrieved by the said Award passed, respondent Ram Kishan had preferred an appeal before this Court, notice of which was given to the claimants respondents, who had put in appearance through counsel.

As per request of counsel for the parties, the matter was referred Mediation and Conciliation Centre of this Court. The mediation proceedings have been successful and the dispute has been settled between the parties vide settlement/agreement which for convenience of reference is exhibited as C1. Both the counsel state that they accept the settlement/agreement and appeal be decided in terms thereof.

Accordingly, the appeal is disposed of, inasmuch as the impugned Award dated 20.10.2018 is modified in terms of settlement/agreement Ex.C1. The parties shall remain bound with settlement/agreement.

Learned counsel representing the respondent has stated that as per his instructions the amount of Rs.4,50,000/- settled between the parties has since been paid by appellant Ram Kishan to claimants respondents Kamal Kishore and Suman.

(H.S. MADAAN)
JUDGE

November 21, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No