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

FAO-2904-2006 (O&M)

BALJINDER KAUR AND OTHERS

VS

GENERAL MANAGER HARYANA ROADWAYS

AND OTHERS

Present: Mr. Ashit Malik, Advocate for the appellants.

Mr. Rajesh K. Sharma, Advocate,
with Mr. Gopal Krishan, Deputy Manager and
Mr. Vivek Suman, Assistant Manager, for
respondent No.3-Insurance company.

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CM-12666-CII-2006

This is an application filed under Section 5 of the Limitation Act, for condonation of delay of 90 days in filing the present appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 90 days in filing the appeal is condoned.

Application is allowed.

MAIN CASE

This is an appeal filed by the appellants-claimants for enhancement while seeking modification of the award.

It has been brought to the notice of this Court that the

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matter has been compromised. The statement of Mr. Ashit Malik, Advocate appearing for the appellants/claimants has been recorded, which is reproduced herein below:-

> *"Statement of Sh. Ashit Malik, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).*
>
> *On the instructions of my client(s), I am prepared to accept Rs.50,000/- Rupees Fifty Thousand 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, in proportion as already awarded by the MACT.*
>
> *RO & AC*
> *Signatures: Sd/- Sh. Ashit Malik,*
> *Place: Chandigarh*
> *Dated:"*

The statement of Sh. Rajesh K. Sharma, Advocate for the Insurance Company has been recorded, which is reproduced herein below:-

> *"Statement of Sh. Rajesh K. Sharma, Advocate and with Mr. Gopal Krishan, Deputy Manager and Mr. Vivek Suman, Assistant Manager, Legal representative of National Insurance Co.*
>
> *I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.50,000/- (Rupees Fifty thousand only), over and above the amount 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*

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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 Ashit Malik.

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellants have been obtained:- Yes/No

(b) Whether settled/non settled/want more time:

RO/AC

Signatures:- Sd/- Rajesh K. Sharma

Name of the Officer Advocate Dy. Manager

Place: Chandigarh

Dated:"

A perusal of the above statements would show that the appellants/claimants as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.50,000/- over and above the amount already awarded by the Tribunal, will be paid by the Insurance Company to the appellants/claimants.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellants within a period of 6 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.50,000/- in the name of appellants, will be deposited with the office of the Lok Adalat of this High Court on or before 26.09.2022, failing which the interest @ 9% p.a. shall follow at this amount till the payment is made, from the date of this order.

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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 Tribunal, 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.

(VIKAS BAHL)
PRESIDENT

(PAWAN KUMAR MUTNEJA)
MEMBER

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