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

FAO-2275-2014

SHINDER KAUR AND ORS. VS SWARAN SINGH ALIAS HAPPY AND ORS.

Present: Mr. Ashwani Arora, Advocate for the appellants.

Mr. Rajbir Singh, Advocate alongwith
Mr. Arun Kumar Verma, Legal Manager
of ICICI Lombard General Insurance Company.

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

"Statement of Sh. Ashwani Arora, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.7,00,000/- Rupees Seven lacs 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 Nos.2 to 4 in equal proportion as appellant No.1 has died.

RO & AC
Signatures: Sd/- Ashwani
Place: Chandigarh
Dated: 12.8.2022"

Learned counsel for the appellants-claimants has submitted that appellant No.1 has died and she has left behind the legal representatives who are already appellant Nos.2 to 4 in the present appeal and has further submitted that enhanced amount be distributed among appellant Nos.2 to 4

The statement of Sh. Rajbir Singh Advocate alongwith Mr. Arun Kumar Verma (Legal Manager), for the Insurance Company has been recorded, which is reproduced herein below:-

> *"Statement of Sh. Rajbir Singh with Arun Kumar Verma, Legal Manager, Advocate/Dy. Manager/Manager/authorized representative of ICICI Lombard GIC.*
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> *I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.7,00,000/- (Rupees Seven lakh only), 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 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 Ashwani Arora.*
>
> *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:*
>
> *RO/AC*
>
> *Signatures: Sd/- Rajbir Singh*
>
> *Name of the Officer with Mobile Number and e-mail I.D.*
>
> *Place: Chandigarh*
>
> *Dated: 08.08.22"*

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.7,00,000/- over and above the amount already awarded by the Tribunal, will be paid by the Insurance Company to appellant Nos.2 to 4 in equal proportion.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to appellant Nos.2 to 4 in equal proportion 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.7,00,000/- in the name of appellant Nos.2 to 4 in equal proportion, 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.

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 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

August 13, 2022
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