

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

**550 *FAO-8449-2014(O&M)*
 NAVEEN KUMAR
 VS
 *NEM CHANDER @ TAUPHAL & OTHERS***

Present: Mr.Atul Yadav, Advocate for the appellants.

Ms.Vandana Malhotra, Advocate and
Mr.Nigam Bhardwaj, Advocate with
Mr.Rohit Chauhan, Manager
for respondent No.3-Insurance Company.

CM-23064-CII-2014

For the reasons stated in the application, which is duly supported by an affidavit, delay of 93 days in filing the present appeal is condoned.

Application is allowed.

FAO-8449-2014

This is an appeal filed by the appellant-claimant for enhancement while seeking modification of the award dated 23.01.2014 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.3,73,700/- alongwith interest @ 7.5% per annum from the date of filing of the claim petition till realisation of the amount so awarded.

It has been brought to the notice of this Court that the matter has been compromised. A joint application under Section 151 CPC on behalf of the parties has been moved which is reproduced herein below:-

“Joint Application u/s 151 CPC on the behalf of the parties for disposing of the same in terms of the oral settlement arrived between the appellants/claimants, through their counsel and the applicant/ respondent No.3 -Reliance General Insurance Company

Limited.

RESPECTFULLY SHOWETH:-

- 1. That the above titled appeal preferred by the claimants enhancement of compensation is pending in this Hon'ble Court and was fixed for hearing on 11.09.2021 before National Lok adalat.*
- 2. That it is further respectfully submitted that the parties have amicably settled the matter and have arrived at mutual consensus that the claimants /appellants would be satisfied if the compensation is enhanced to the tune of Rs.5,00,000/-(Five Lakh Only) under all heads of compensation including interest component, towards full and final settlement of claim in the present appeal, over and above the amount already awarded by the learned Tribunal*
- 3. That in view of the aforesaid settlement between the parties, the present appeal may be disposed off with a direction that the respondent insurance company to pay the enhanced amount of compensation of Rs.5,00,000/-(Five Lakh Only) will be paid over and above the awarded amount in full and final settlement of the award.*
- 4. That the said amount Rs.5,00,000/-(Five Lakh Only) shall be paid as full and final settlement and without any further interest or costs. The applicant-Insurance Company is ready to deposit the cheque/demand draft for sum of Rs.5,00,000/-(Five Lakh Only) as per the directions issued by this Hon'ble High Court.*

It is therefore respectfully prayed that the present application may kindly be allowed, the main appeal may kindly be listed for hearing and the appeal may kindly be disposed off in the terms of compromise as mentioned above.

Any other order or direction which this Hon'ble court may deem fit in the light of present circumstances may also be passed.

In view of the submissions made hereinabove, it is respectfully prayed that the present appeal may kindly be disposed of in terms of the mutually agreed amicable settlement between the parties as detailed hereinabove, in the interest of justice.

Dated:21.03.2022

Chandigarh

*Atul Yadav
Advocate*

*Vandana Malhotra
P-20/1993*

*Counsel for Appellants Nigam Bhardwaj
No.P-1678/2004 Advocates*

Counsel for Applicant/ Resp. No.3”

A perusal of the above application would show that the appellant/claimant as well as the Insurance Company have compromised the matter by stating that a compensation of Rs.5,00,000/- over and above the amount already awarded by the learned Motor Accident Claims Tribunal, will be paid by the Insurance Company to the appellant/claimant.

Counsel appearing for the respondent-Insurance Company has further stated that the said amount would be paid by the Insurance Company to the appellant within a period of 4 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.5,00,000/- in the name of appellant, will be deposited with the office of the Lok Adalat of this High Court on or before 14.06.2022, failing which the interest @ 9% p.a. shall be payable on 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 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 learned Motor Accident Claims Tribunal, Gurgaon, 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/ counsel for appellant may collect the cheque from the office of the Lok Adalat.

(VIKAS BAHL)
PRESIDENT

(AMIT JHANJI)
MEMBER

May 14, 2022.
Davinder Kumar