

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

586 FAO-6693-2016 (O&M)

SANTOSH KALA AND OTHERS
VS
JITENDER AND OTHERS

Present: Mr. Arvind Kumar Yadav, Advocate for the appellants.

Mr. Satpal Dhamija, Advocate with
Ms. Shifali Loi, Assistant Manager for
respondent No.3-New India Ins. Co.

This is an appeal filed by the appellants-claimants for enhancement while seeking modification of the award dated 15.01.2016 vide which the learned Motor Accident Claims Tribunal has awarded an amount of Rs.10,51,600/- alongwith interest @6% 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. The statement of Mr. Arvind Kumar Yadav, Advocate appearing for the appellants/claimants has been recorded, which is reproduced herein below:-

“Statement of Sh. Arvind Kumar Yadav, Advocate, learned counsel for the applicant(s)/appellant(s)/claimant(s).

On the instructions of my client(s), I am prepared to accept Rs.5,00,000/- (Rs. Five Lakhs 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-Santosh Kala in proportion as already awarded by the MACT.

RO & AC

Signatures: Sd/- A.K. Yadav

Sd/-

Mobile: 9466897647

(Satpal Dhamija, Adv.)

Place: Chandigarh

14.05.2022

Dated: 14.05.2022”

Counsel for the Insurance Company has also signed the said statement.

The statement of Mr. Satpal Dhamija, Advocate with Ms. Shifali Loi, Assistant Manager for New India Ins. Co. has been recorded. The same is reproduced herein below:-

“Statement of Sh. Satpal Dhamija, Advocate/Dy. Manager/Manager/authorized representative of New India Assurance Co. Ltd.

I/we agree on behalf of the respondent-company for full and final settlement of compensation at Rs.5,00,000/- (Rs. Five Lakhs only), over and above the amount 10,51,600/- already awarded by the MACT with an undertaking to pay/deposit the same as per the order that may be passed by the Lok Adalat (daily/Bimonthly/National) Benches, 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 Adv. Satpal Dhamija

Note:- Please tick the appropriate option

(a) Whether consent of counsel for the claimant/appellant have been obtained:- Yes

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

RO/AC

Signatures:-

Signature with Mobile No.:

Sd/-

Satpal Dhamija

14.05.2022”

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.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 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 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 appellants, 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 follow 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, Rewari, 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**

**(AMIT JHANJI)
MEMBER**

May 14, 2022
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