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**FAO-1052-2021 (O&M) and FAO-6549-2019**

**RAHUL V/S ARVINDER SINGH AND OTHERS**

Present:- Mr. Saurabh Garg, Advocate  
for the appellant (in FAO-1052-2021)  
for the respondent-claimant (in FAO-6549-2019).

Mr. Pradeep Kumar, Advocate  
for the appellant (in FAO-6549-2019)  
for respondent No.3-Universal Sompo Gen. Ins. Co. Ltd.

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This order shall dispose of two appeals i.e. FAO-1052-2021 filed by the claimant-appellant and FAO-6549-2019 filed by the Insurance Company respectively.

The claimant-appellant Rahul aged about 18 years, who received injuries in a motor vehicular accident that had taken place on 11.09.2018 has filed the present appeal seeking enhancement of compensation against the award dated 30.07.2019 passed by the learned MACT, Kaithal, awarding a sum of Rs.48,70,945/- along with interest @ 7.5% per annum with yearly rests from the date of filing of the claim petition till realization.

The Insurance Company had also filed the cross appeal i.e. FAO-6549-2019 against the impugned award taking various grounds including that the learned MACT should have awarded the simple interest but not with yearly rests. The Hon'ble High Court while issuing notice of motion, had stayed the execution to the extent of 7.5% interest at yearly rests vide order dated 17.03.2020

The matter has been settled in both the appeals.

On 08.08.2023, on behalf of the appellant statement (separately recorded), was made by learned counsel for the appellant to accept Rs.5,00,000/- (Rupees Five Lakh only) more, over and above, the amount awarded by the MACT concerned, in full and final settlement of the claim in this appeal. Today, on behalf of the Insurance Company concurrence has been given to this effect.

In the Insurance company's appeal, learned counsel for the claimant has made a statement that in view of the settlement in claimant's appeal, he does not oppose the appeal preferred by the Insurance Company and be disposed of in view of the said settlement. The Insurance Company has already paid the amount as per the award and he is satisfied to the same. This implies that he does not oppose the simple interest from the date of filing of the claim petition instead of with yearly rests.

In the backdrop of settlement between the parties, the Insurance Company has not opposed the condonation of delay of 305 days in filing the present appeal at any juncture and as such, in view of the settlement that has been arrived between the parties, the delay in filing the appeal is condoned.

Accordingly, Rs.5,00,000/- (Rupees Five Lakh only) is allowed as further compensation over and above the compensation already awarded by the MACT.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of Rs.5,00,000/- (Rupees Five Lakh only) in the name of the appellant-Rahul with the office of the Lok Adalat of the High Court on or before 14.11.2023 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellants' counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied /sent to the counsel/parties and file be returned to the High Court.

A photocopy of this order be placed on the file of connected case.

**(J.C. VERMA)**  
**PRESIDENT**

**14.09.2023**  
Atul

**(ARVIND KUMAR)**  
**MEMBER**