

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

559 FAO-5969-2015 (O&M)

**SARAVJEET SINGH VS DAYA NAND SHARMA AND
ORS**

Present: Mr. Kanwarpal Singh Mahey, Advocate for
 Mr. Vishal Nehra, Advocate
 for the applicant-appellant.

 Mr. Sanjeev Kodan, Advocate with
 Mr. Rajneesh Malhotra, Advocate &
 Mr. Nigam Bhardwaj, Advocate

The matter is taken up in the Lok Adalat.

CM-18752-CII-2015

For the reasons mentioned in the application delay of 108 days in
filing the present appeal is condoned.

CM stands disposed of.

Main case

As per the award dated 17.01.2015 in MACT No.110 of 2014,
MACT Tribunal, Ambala, has awarded the sum of Rs.3,06,900/- along with 7.5
per cent interest to the appellants-claimants whereby the respondent Nos.1 to 3
have been held to pay the said amount jointly and severally, however, Insurance
Company has been given the right to recover the said amount from respondent
No.1 and 2.

Now the appeal was filed by the appellant for enhancement of the
said amount as the matter has been settled between the parties whereby the
Insurance Company has offered to pay a sum of Rs.2,20,000/- over and above
the amount awarded by the Tribunal subject to pay and recovery rights be kept

intact. Learned counsel for the appellant has agreed to the said offer on behalf of the appellant-Saravjeet Singh by way of making a statement dated 10.02.2023.

It has been pointed out that no appeal has been filed on behalf of Harnam Kaur, who was claimant No.2 before the Tribunal. Though she has been impleaded as respondent No.4 in the present appeal but service has not been effected.

It has been further pointed out that Harnam Kaur was 100 years of age when the present petition was filed. The respondent No.4-claimant is reported to have died as per office report dated 23.04.2019 but no application for impleading the LRs of the said respondent has been filed. In such circumstances, the present appeal stands allowed as compromised. The appellant is entitled to receive the enhanced amount in proportionate share as awarded by the Tribunal in the award dated 17.01.2015.

The Insurance Company shall deposit the enhanced amount before the Tribunal within a period of 06 weeks failing which 9 per cent interest per annum to follow.

The share of respondent No.4-claimant No.2 Harman Kaur shall be released by the Tribunal to her LRs. The recovery rights of the Insurance Company shall remain intact as awarded by the Tribunal.

(HARPREET KAUR JEEWAN)
PRESIDENT

(JAI VIR YADAV)
MEMBER

February 11, 2023
sangeeta