

(2024) 04 UK CK 0038

In the Uttarakhand High Court

Case No : Appeal From Order No. 352 Of 2016

Bhupal Singh

APPELLANT

Vs

Jagat Singh And Two Others

RESPONDENT

Date of Decision : 09-04-2024

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2024) 04 UK CK 0038

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Jagdish Singh Bisht, S.S. Chaudhary, M.K. Goyal

Judgement

Alok Kumar Verma, J

1. This Appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed by the appellant – claimant to enhance the amount awarded by learned Motor Accident Claims Tribunal/ District Judge, Almora in Motor Accident Claim Petition No.09 of 2015, by which, the learned Tribunal has directed the respondent no.2 – owner of the offending vehicle to pay Rs.85,000/- as compensation to the claimant along with conditional interest at the rate of 8% per annum.

2. The appellant – claimant Bhupal Singh is present in-person. He is identified by Mr. Jagdish Singh Bisht, Advocate.

3. Respondent no.2 – Darvan Singh, the owner of the offending vehicle, is present in-person. He is identified by Mr. S.S. Chaudhary, Advocate.

4. Mr. Jagdish Singh Bisht, Advocate, for the appellant, Mr. S.S. Chaudhary, Advocate, for the respondent no.2 and Mr. M.K. Goyal, Advocate, for the respondent no.3 - Insurance Company.

5. Both, appellant – claimant and respondent no.2 submitted that they have resolved their disputes and after resolving their disputes they have filed a Compromise Application (IA No.7199 of 2024).

6. As per the Compromise, the respondent no.2 has already deposited the awarded amount i.e. Rs.85,000/- before the Tribunal concerned and he agrees to pay an additional amount i.e. Rs.90,000/- to the appellant – claimant within a period of two months from today through cheque or RTGS.
7. Bhupal Singh, the appellant – claimant, agrees.
8. Both, the appellant and the respondent no.2 further submitted that they have filed the said compromise with their free will and without any pressure.
9. Both the parties have requested to decide the present Appeal on the basis of compromise.
10. Compromise Application (IA No.7199 of 2024) is verified.
11. The present Appeal (AO No.352 of 2016) is decided on the basis of compromise. The Compromise Application (IA No.7199 of 2024) will form part of this order.
12. The concerned Tribunal is directed to release the deposited amount i.e. Rs.85,000/- in favour of the appellant – claimant in accordance with law.