

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 354 OF 2004**

1. Sunil Vasant Jadhav,
(Since deceased through his heirs
And legal representatives)
 - 1A. Anita Sunil Jadhav,
Age about 51 years,
Occupation: Housework,
 - 1B. Prathamesh Sunil Jadhav,
Age about 22 years,
Occupation: Service,
Both R/o. Chimangaon
Tal. Koregaon, District: Satara.
Pin code: 415501
 2. Shri Suryakant Bajirao Jadhav,
Age about 52 years,
Occupation: Business,
R/o. Chimangaon
Tal. Koregaon, Dist. Satara.
- ...Appellants
(Orig. Opponent No. 1 & 2.

Versus

1. Smt. Mangal Sambhaji Bhosale,
Age about 33 years,
Occupation : Household,
2. Master Dhiraj Sambhaji Bhosale,
Age about 14 years,
Occupation : Education,
3. Master Pankaj Sambhaji Bhosale,
Age about 13 years,
Occupation : Education,
All R/o. Shendurjane, Tal. Koregaon,
Dist. Satara.

4. The New India Insurance Co.,
Near City Post,
Satara Branch, Satara.
5. Dhondiram Dagadu Bhosale,
Age about 76 years,
R/o. Shendurjane,
Tal. Koregaon, Dist. Satara.

...Respondents
(Respondent No. 1 to 3
Orig. Applicants and
Respondent No. 4 & 5 are
Orig. Opponent No. 3 and
4 respectively)

Mr. Sharad Bhosale a/w Mohsin Khan and Amar Dhumal, Advocate for the Appellants.

Ms. Suvarna Yadav, Advocate for the Respondent Nos. 1 to 3.

Mrs. S. S. Dwivedi, Advocate for the Respondent No. 4 (through VC).

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th October, 2026.

ORAL JUDGEMENT :-

1. Heard, Mr. Sharad Bhosale, learned Advocate for the Appellants, Ms. Suvarna Yadav, learned Advocate for the Respondent Nos. 1, 2 & 3 and Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4.

2. By this Appeal, the Appellants (Original Opponent Nos. 1 and 2) are before this Court, challenging the Judgment and Award dated 11.11.2003, passed by the Motor Accident Claims Tribunal, Satara

("Tribunal"), in Motor Accident Claim Petition No. 211 of 1998, whereby the Respondent Nos. 1, 2, and 3 (Original Claimants) were awarded compensation of Rs. 3,00,000/- along with interest at 9% ("impugned Award").

3. Respondent Nos. 1, 2 and 3 are the Original Claimants, Appellants are the Original Opponent Nos. 1 and 2 and Respondent No. 4 is the Original Opponent No. 3 in Motor Accident Claim Petition No. 211 of 1998 ("M.A.C.P. No. 211 of 1998").

4. The material facts relevant to this appeal are that Sambhaji Dhondiram Bhosale ("deceased"), the husband of Respondent No. 1 and the father of Respondent Nos. 2 and 3, met with an accident while travelling on 18.02.1997. Deceased succumbed to the injuries sustained in the said accident.

5. Respondents Nos. 1, 2 and 3 filed M.A.C.P. No. 211 of 1998 before the Tribunal. By the impugned Award, the Tribunal awarded Rs. 3,00,000/-, along with interest at 9% per annum from the date of filing of the petition till realization. The Tribunal held the Appellants jointly and severally liable to pay the said compensation amount.

6. On 10.09.2026, the following order was passed :-

1. *This Appeal was substantially heard on 09.09.2026. Today this Appeal was kept for a limited purpose, at the request of Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4, to tender bullet points.*

2. *When this matter was called out, Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4 Insurance Company, requests for an adjournment. She requests for listing of this Appeal on 21.09.2026 for the purpose of giving an opportunity to the Respondent No. 4- Insurance Company to settle the matter. She, on instructions from the Respondent No. 4 - Insurance Company, states that the matter would be settled on or before 21.09.2026.*

3. *This Appeal is of the year 2004. Though I was not inclined to consider the grant of adjournment, Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4 Insurance Company persuades me to adjourn this Appeal.*

4. *At the request of Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4 Insurance Company and by consent of Mr. Sharad Bhosale, learned Advocate for the Appellant, list this Appeal on 21.09.2026.*

7. Today, Mr. Sharad Bhosale, learned Advocate for the Appellants, Ms. Suvarna Yadav, learned Advocate for the Respondent Nos. 1 to 3 and Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4, jointly submit that this Appeal be disposed of in view of the amicable resolution between the parties.

8. Mr. Sharad Bhosale, learned Advocate for the Appellants, states that the son of Appellant No. 1 is present in Court. Mr. Sharad Bhosale identifies him and submits that the statements made today are on instructions from the Appellants, as confirmed by the son of Appellant No. 1.

9. Ms. S. S. Dwivedi, learned Advocate for Respondent No. 4 and Mr. Sharad Bhosale, learned Advocate for the Appellants, submit that Respondent Nos. 2 and 3, though they were minors on the date of filing the Petition, have now attained the age of majority.

10. Ms. Suvarna Yadav, learned Advocate for Respondent Nos. 1, 2 and 3, states that Respondent Nos. 2 and 3 have attained the age of majority and are employed in Mumbai. She submits that Respondent No. 1 is 65 years of age, suffers from ailments and is not in good health.

11. In view of the statements made by Ms. Suvarna Yadav, learned Advocate for Respondent Nos. 1, 2 and 3, the parties agree that the entire compensation amount, as decided, should be paid only to Respondent No. 1 (Mangal Sambhaji Bhosale).

12. Mr. Sharad Bhosale, learned Advocate for the Appellants, Ms. Suvarna Yadav, learned Advocate for the Respondent Nos. 1 to 3 and Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4, jointly submit that this Appeal be disposed of by consent.

13. The Appellants and the Respondent No. 4 have agreed to the following amounts to be paid to the Respondent No. 1 and the following payment schedule:-

a. The total compensation to be paid to Respondent No. 1 in respect of the subject matter of M.A.C.P. No. 211 of 1998, as agreed by the parties, is Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only).

b. The Appellants shall pay Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only) as their share. Appellants shall deposit Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only) in the Registry of this Court within four (4) weeks from today i.e. on or before 10.11.2026.

c. The Respondent No. 4 - Insurance Company shall pay Rs. 5,00,000/- (Rupees Five Lakhs only) as their share. Respondent No. 4 shall deposit Rs. 5,00,000/- (Rupees Five Lakhs only) in the Registry of this Court within four (4) weeks from today i.e. on or before 10.11.2026.

14. Mr Sharad Bhosale, learned Advocate for the Appellants, and Ms S. S. Dwivedi, learned Advocate for Respondent No. 4, state that the statements made by them regarding the compensation amount and the time schedule for deposit of the same are made on instructions from the Appellants and Respondent No. 4, respectively. Accordingly, they

submit that the statements be accepted as statements to the Court.

Statements are accepted.

15. Ms. Suvarna Yadav, learned Advocate for the Respondent Nos. 1, 2 and 3, was called upon to furnish the bank account details of Respondent No. 1 to facilitate the Registry of this Court in transferring the compensation amount upon its deposit into the account of Respondent No. 1. Ms. Suvarna Yadav tendered photostat copies of the Savings Account of Respondent No. 1 (Mangal Sambhaji Bhosale) with The Satara District Central Cooperative Bank Limited, Satara, along with the PAN Card of Respondent No. 1. The same are taken on record and marked with **“X-Colly”** for identification.

16. Upon the total amount of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) being deposited with the Registry of this Court, the Registry of this Court shall, within three (3) days thereafter, transfer the entire amount to the following bank account of Respondent No. 1 (Mangal Sambhaji Bhosale):-

Bank Name :-	The Satara District Central Co. Op. Bank Ltd., Satara.
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Branch :-	Kinhai
Customer ID :-	Saving
SB Ac. No. :-	1096006001736
Name :-	Mangal Sambhaji Bhosale
Address :-	Shendurjane (Koregaon 415021)
IFS Code :-	IBKL0485SDC

17. In view of the above settlement, Mr. Sharad Bhosale, learned Advocate for the Appellants, and Ms. S. S. Dwivedi, learned Advocate for the Respondent No. 4, submit that the observations in the impugned Award regarding rashness and negligence be set aside. The observations in the impugned Award regarding the rash and negligent driving of the Appellants only are set aside.

18. Though the said observations in the impugned Award are set aside, the liability of the Appellants and the Respondent No. 4 to pay the compensation in M.A.C.P. No. 211 of 1998 is maintained and confirmed. The compensation payable by the Appellants and the

Respondent No.4 in M.A.C.P. No. 211 of 1998 is fixed and determined as Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only).

19. Appellants and Respondent No. 4 are directed to abide by the schedule for payment and deposit of the compensation.

20. First Appeal No. 354 of 2004 is disposed of.

21. The award shall be drawn accordingly.

22. List this Appeal on 16.11.2026 for reporting compliance with the deposit by the Appellants and Respondent No. 4 and for reporting compliance with the transfer of the amount to Respondent No. 1, (under the caption “**For Compliance**”).

(ASHWIN D. BHOBE, J.)

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