

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) FA NO.1088 & 1087 of 2015

**32 FIRST APPEAL NO. 1088 OF 2015
WITH
FIRST APPEAL NO. 1087/2015**

M/S SHRIRAM GERERAL INSURANCE CO. LTD. JAIPUR
VERSUS
NOORALI JAHURALI SAIYYAD AND OTHERS

...
Advocate for Appellant : Mr.Upadhye Vinayak Narayan
Mr.Patankar Himanshu A., Adv., for respondent nos. 1 to 4.

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CORAM : P.R. BORA, J.
Dated: November 28, 2016

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PER COURT :-

1. First Appeal No. 1088 of 2015 is filed by the appellant Insurance Company taking exception to the judgment and award passed by the Member, Motor Accident Claims Tribunal, Dhule, in MACP No.271/2011 dated 19th March, 2014, whereas First Appeal No. 1087 of 2015 is filed by the original claimants, seeking enhancement in the amount of compensation as awarded by the Tribunal.

2. Today, when the matter was taken up for hearing, the learned Counsel appearing for the parties have jointly submitted that the dispute between the Insurance company and the original claimants has been amicably settled out of the Court. Learned Counsel for the original claimants has tendered across an affidavit sworn in by Noorali Jahurali Saiyyad, who is original claimant no.1. Shri Upadhye, -

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learned Counsel appearing for the appellant Insurance Company submitted that the claimants have agreed to settle the claim fully and finally by accepting the amount of Rs.6,75,000/- inclusive of N.F.L., costs, interests, etc. Learned Counsel further submits that, as directed by this Court, the Insurance Company has deposited in this Court the entire amount under the award along with the interest thereon. Learned Counsel further submits that 50% of the said amount was permitted to be withdrawn by the original claimants and the balance amount was directed to be deposited in fixed deposit. Learned Counsel submitted that, deducting the amount which has already been withdrawn by the claimants, now the claimants are entitled to receive the amount of Rs.3,10,210/- (Rs. three lacs, ten thousand, two hundred and ten) and the balance amount requires to be refunded to the Insurance Company. Learned Counsel for the parties have, therefore, prayed for disposing of both the appeals in the aforesaid terms. In view of the above, the following order is passed.

ORDER

1. From the amount deposited by the appellant Insurance Company in this Court, a sum of Rs.3,10,210/- (Rs.three lacs, ten thousand, two hundred and ten) shall be jointly paid to the original claimants and the balance amount be

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refunded to the appellant Insurance Company with the interest accrued thereon.

2. In view of the fact that the original claimants have entered into a compromise with the Insurance Company, to accept the compensation of Rs.6,75,000/- (Rs. Six lacs, Seventy Five thousand) towards full and final settlement of the claim petition filed by them, inclusive of N.F.L., costs, interests, etc., both the First Appeals stand disposed of being amicably settled in the aforesaid terms.

(P.R. BORA, J.)

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