

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.619 OF 2014

Nuruddin Rabayat Siddique .. Appellant

vs

M/s Crew Claims Administrators & ors .. Respondents

None for Appellant

Ms.S.Priya a/w Ms.Apurva Mishra for Respondent no.1

Mr.Rahul Nerlekar for Respondent no.2

CORAM: G.S.KULKARNI, J

DATE : 9 DECEMBER 2016

P.C.

1. None for appellant. Ms.S.Priya appears for respondent no.1 and Mr.Rahul Nerlekar appears for respondent no.2.

2. On the earlier occasion i.e. 12.6.2015 neither the appellant nor his Advocate had appeared and therefore this Court had passed the following order :

- “1. None for the appellant.
2. As no one appeared on behalf of appellant, office is directed to place the matter on board under the caption for dismissal as per CMIS date.”

3. Even today, none appears for the appellant nor the appellant is present in Court. Name of the Advocate and name of the appellant is correctly notified on the cause list.

4. Learned counsel for respondent no.1 and 2 jointly submit that this Appeal has in fact become infructuous inasmuch as after the impugned order, the appellant had approached the Lok Adalat and by an order dated 16.9.2012 passed by the Lok Adalat, it was recorded that the matter is settled in view of the Consent terms dated 16.9.2012 arrived between the parties and accordingly it was disposed of in terms of the said settlement. Learned counsel for respondent no.1 has also drawn my attention to an affidavit dated 5.2.2015 filed on behalf of respondent no.1 of Mr.Dana Berger (Director of P & I Claims and Litigation) in which in para 4 it is stated that in pursuance of order dated 16.9.2012 of the Lok Adalat, the appellant has withdrawn Rs.4,68,520/- from the Workmen's Commissioner's Tribunal which was ordered to be paid by the respondents pursuant to an impugned order dated 7.2.2012 of the learned Workmen's Commissioner. It is stated that money was paid, withdrawn and received by the appellant in view of the settlement filed before the learned Commissioner. It is therefore, stated that the Appeal has become infructuous and is not maintainable. This Affidavit of respondent no.1 dated 5.2.2015 is already served on appellant on 12.6.2015. There is no rejoinder as placed on record and therefore the position as set out in para 4 and 5 of the affidavit remains uncontroverted.

5. Considering the above circumstances, in my opinion it appears that the appellant has no grievance as he has already received

the decretal amount under the settlement which is arrived at and between the parties before the Lok Adalat. The said settlement in any event is binding on the appellant and parties to the dispute under section 21 of Maharashtra Legal Service Authorities Act, 1987.

6. Appeal therefore does not require any further adjudication. It is accordingly disposed of as infructuous. No costs.

{G.S.KULKARNI, J}