

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO.:228 OF 2015

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
SANDEEP BADRINATH GAWALI AND ANOTHER

Mr. S. G. Chapalgaonkar, Advocate for Appellant.
Mr. Arvind R.Kawade, Advocate for Respondent No.1
Mr. Kakasaheb B. Jadhav, Advocate for Respondent No.2.

CORAM : **V. K. JADHAV, J.**
DATE : 23rd January, 2017.

ORDER:

. Being aggrieved by the judgment and award passed by the learned Chairman, Motor Accident Claims Tribunal, Aurangabad dated 27th November, 2014 in MACP No.373 of 2010, the original Respondent / Insurer has preferred this appeal.

2 During the pendency of the appeal, by consent, the matter was referred for mediation and the mediation found successful and the parties are arrived towards full and final settlement of the claim. As per the joint compromise pursis filed before the leaned Mediator and recorded by him, it appears that the Respondent / Claimant has agreed to accept an amount of Rs.75,000/- towards full and final settlement of the claim with proportionate interest as awarded by the

Tribunal.

3 In view of the above compromise, I proceed to pass the following order:

ORDER

I. In terms of the compromise pursis, which is marked as 'X' for identification recorded by the learned Mediator, the judgment and award passed by the learned Chairman, Motor Accident Claims Tribunal, Aurangabad dated 27th November, 2014 in MACP No.373 of 2010, is hereby modified in the following manner:

“Opponent Nos.1 and 2 are jointly and severally directed to pay compensation of Rs.75,000/- (Rupees Seventy-Five Thousand only) to Petitioner Sandeep Badrinath Gawali alongwith interest at the rate of 9% per annum from the date of institution of the petition till realization of the entire amount.”

II. Award be drawn up in view of the above modification.

- III. Appeal is accordingly disposed of.
- IV. In the circumstances, there shall be no order as to the costs.
- V. The Respondent / Claimant is permitted to withdraw Rs.25,000/- deposited by the Appellant / Insurer before this Court and the balance amount of Rs.50,000/- (Rupees Fifty Thousand only) with interest on Rs.75,000/- as agreed in the compromise pursis, if deposited by the Appellant / Insurer here, the Respondent / Claimant is permitted to withdraw the same.
- VI. Pending civil application stands disposed of.

[V. K. JADHAV, J.]