

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

FIRST APPEAL NO. 2476 OF 2016  
WITH CA/8905/2016 IN FA/2476/2016

RAMESHWAR DEVIDAS GORADE AND ANR  
VERSUS  
BABANBAI MUKTARAM WAGHCHAURE AND ORS

...  
Advocate for Appellants : Mr. M.S. Karad h/f Mr. S.S. Thombre  
Adv. for Respondents 2 and 3: Mrs. M.D. Thube-Mhase i/b M/s. Lex Aquia  
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**CORAM : V. K. JADHAV, J.**  
**DATED : 20<sup>th</sup> JANUARY, 2017**

**PER COURT:-**

1. Being aggrieved by the judgment and award dated 8.3.2016 passed by learned Member, M.A.C.T. Aurangabad in M.A.C.P. No. 583 of 2011, the original respondents preferred this first appeal on various grounds.

2. During pendency of this appeal, the parties have arrived at a settlement and accordingly submitted terms of compromise before this Court, which is taken on record and marked "X" for identification. The terms of compromise have been verified. It appears that the respondent No.1 original claimant No.1 died during pendency of the appeal and respondent Nos. 2 and 3, by way of this compromise are ready to accept an amount of Rs.6,25,000/- as a full and final settlement of the claim against the award of Rs.6,93,180/- passed by

the Member, M.A.C.T. Aurangabad. In view of the above compromise, the following order is passed:-

### O R D E R

I. The judgment and award dated 8.3.2016 passed by the Member, M.A.C.T. Aurangabad in M.A.C.P. No. 583 of 2011 is hereby modified in the following manner:-

“Respondent Nos. 1 and 2 do pay an amount of Rs.6,25,000/- (Rupees Six lacs twenty five thousand only) as a total compensation to the claimants, inclusive of 'no fault liability' amount, without any interest, as per the terms of compromise.”

II. The award be drawn up as per the above modification.

III. The respondents claimants are permitted to withdraw the amount deposited by the appellants alongwith the accused interest, if any.

III. The appeal as well as pending civil application are disposed of.

**( V. K. JADHAV, J.)**