

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1011 CIVIL APPLICATION NO. 13981 OF 2016
IN FAST/27656/2016 WITH CA/13982/2016 IN FAST/27656/2016

NEW INDIA INSURANCE CO. LT.
VERSUS
MEHRUNNISA HAROON NATHANI ND ORS

...
Advocate for Applicant : Chapalgaonkar S.g.
Advocate for Respondents : Mayure Pramod C For R/1 & 2.

...
CORAM : V.K. JADHAV, J.
DATE : 20-01-2017.

P.C. :

1. Heard both the sides. For the reasons stated in the civil application, the delay of 57 days caused in filing the first appeal is hereby condoned. Civil application is allowed and accordingly disposed of.

2. Heard. Issue notice to the respondent nos. 1 and 2 (original claimants). Learned counsel Shri P.C. Mayure, waives for respondent-original claimants.

3. Being aggrieved by the judgment and award passed by the Motor Accident Claims Tribunal at Aurangabad, the original-respondent insurer has preferred this appeal & during the pendency of the application for condonation of delay, as per the consent of both the parties the matter was referred for mediation and the mediation was found successful and the respondent claimants are ready to waive the amount of Rs.2,50,000/- with proportionate

interest thereon from the original award passed by the tribunal. Those terms of settlement have been recorded by the Mediator and the same are placed before this Court in the form of compromise *pursis*. The said *pursis* is marked as 'X' for identification.

4. In view of the above *pursis* the judgment and award passed by the Motor Accident Claims Tribunal, Aurangabad dated 29.03.2016 in M.A.C.P. No. 704 of 2014 is hereby modified in the following manner:

- i) The respondent nos. 1 to 3 do jointly and severally pay the amount of Rs. 16,24,570/- (Rupees Sixteen Lakhs Twenty Four Thousand Five Hundred and Seventy) towards compensation along with interest @ 9% per annum from the date of filing of the petition till its realisation.
- ii) Rest of the judgment and award stands confirmed. Award be drawn up as per the modification.
- iii) The respondent claimants are permitted to withdraw the amount deposited before this court as per the modified award and the balance amount, if any, be refunded to the appellant insurer.
- iv) Refund of court fees as per rules. Since the award is modified in terms of compromise arrived at between the parties before the Mediator.
- v) Appeal is accordingly disposed of.

(V.K. JADHAV)
JUDGE