

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3560 OF 2015
IN
FIRST APPEAL NO. 623 OF 2016

Smt. Baby C. Deshmukh and ors.	.. Applicants
In the matter between	
Shriram General Insurance Co. Ltd.	.. Appellant.
vs.	
Smt. Baby C. Deshmukh and ors.	.. Respondents

Mr. V.S. Tadke i/b Mr. D.D. Shinde for the Applicants-Org.
Respondents. .

Mr. Mehta i/b KMC Legal for the Appellant- Insurance Company.

CORAM : M. S. SONAK, J.
DATE : 20 MARCH 2017.

P.C. :-

1] There shall be a restraint upon the execution of the impugned award since, the Insurance Company has deposited the entire awarded amount before the Motor Accident Claims Tribunal (MACT) at Pune.

2] From out of the deposited amount, the MACT at Pune shall permit Mr. Raosaheb Gulabrao Deshmukh, respondent No.5 herein to withdraw an amount of Rs.5 Lakh. Similarly, the MACT shall also permit Smt. Baby Chandrakant Deshmukh, respondent No.1 to withdraw an amount of Rs.5 Lakhs. Such withdrawals to be permitted unconditionally, since, appropriate orders can always be made, at the stage of final disposal of the appeal.

3] It is also pertinent to note that some consent terms were filed in this matter purporting to record a settlement. In terms of such proposed settlement, an amount of Rs.20,25,000/- was to be paid to the claimants.

4] The MACT to ensure that the demand drafts in respect of the aforesaid amount should be made in the names of Raosaheb Gulabrao Deshmukh and Smt. Baby Chandrakant Deshmukh

5] This court, regretfully notes that though Raosaheb Deshmukh has engaged an advocate to appear in this matter, the advocate is not present. Instead, advocate Mr. V.S. Tadke states that he is holding for advocate Mr. D.D. Shinde. Today, Mr. Tadke states that he does not have the brief. There was a direction issued in this matter to file certain bullet points, so that, it is possible for the court to dispose of the appeal. This direction has also not been complied with.

6] Raosaheb Deshmukh, who is stated to be aged 75 years is present in the court. This court has noticed that he is present in the court since morning session up to now, i.e. 4.50 p.m. There is absolutely no assistance from his advocate either to him or to this court.

7] Even at this point of time, when this court was enquiring from the party as to whether the matter can be referred to Lok Adalat, Mr. Tadke intervenes and states that he is not in a position to give consent. As noted earlier, Mr. Tadke has appeared in this matter without the brief and now, when the party says that he has no

objection to the matter being referred to Lok Adalat, Mr. Tadke seeks an adjournment by two weeks so that he can obtain appropriate instructions from the advocate whom he holds for.

8] This is a fit case where settlement can be explored before the Lok Adalat. Mr. Raosaheb Deshmukh, who is present in the court, says that he has no objection, if the matter is referred to Lok Adalat where some settlement can always be explored. Accordingly, the matter is referred to Lok Adalat, which is scheduled on 8 April 2017.

9] The civil application is disposed of.

(M. S. SONAK, J.)

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