

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.601 OF 2003 with
CROSS OBJECTION ST.NO.26844 OF 2017

The State of Maharashtra .. Appellant
Versus
Kisan Pandu Gaikar & Ors. .. Respondents

Mr.A.R.Patil, Addl.G.P for the Appellant.
Mr.Sachin Punde for the Respondents.

CORAM : A.S.OKA, J (HEAD OF THE PANEL)
S.R. KHANZODE, RETIRED DISTRICT
& SESSIONS JUDGE, MEMBER AND
A.M.CHANDEKAR, REGISTRAR, MEMBER
DATED : 9th DECEMBER 2017

P.C.

1 The consent terms are tendered across the bar which are taken on record and marked 'X-1' for identification. The consent terms have been signed by the Advocate for the respondents. On behalf of the appellant, the consent terms have been signed by Shri D.N.Bhadakawad, Sub Divisional Officer who is personally present in the Court who has been duly authorised by the State Government. The consent terms are also signed by the learned Addl.G.P. The respondent Nos.1, 2/2 and 2/3 are personally present in the Court. The consent terms bear left hand thumb impression of the respondent No.1 which has been attested by the Advocate for the respondent No.1. The respondent Nos.2/2 and 2/3 have signed the consent terms. The said respondents who are present in the Court state through their learned counsel that they have accepted the contents of the consent terms as true and correct. They state that all other legal representatives of the deceased respondent No.2 will sign the consent terms.

2 The learned counsel for the respondents states that after filing of civil application for bringing the legal representatives of the respondent No.2 on record, the first legal representative of deceased respondent No.2-Venubai has died. He has placed on record a photo copy of the death certificate which is taken on record and marked 'X-2' for identification. On instructions he states that other four legal representatives are the only legal representatives of the first legal representative of the deceased respondent No.2. We accept the said statement.

3 The learned counsel for the respondents states that other two legal representatives of the deceased respondent No.2 will sign the consent terms within a period of four weeks from today by remaining present before the Registrar (Judicial-I). We accept the statement.

4 The appeal and the cross objection stand disposed of in terms of the consent terms marked 'X-1' for identification. However, an Award in terms of the consent terms shall be drawn only after the remaining legal representatives of the deceased respondent No.2 appear before the Registrar (Judicial-I) and sign the consent terms within a period of four weeks from today. Immediately after the Award is drawn, writ along with the record shall be forwarded to the Reference Court.

5 The Reference Court shall complete the exercise of determination of total compensation payable in terms of the modified Award within a period of three months from the date on which writ of this order is received by it. The Reference Court shall give an opportunity of being

heard to the parties before determining the amount.

6 Additional amount so determined shall be deposited by the State Government with the Reference Court within a period of three weeks from the date on which the amount is determined. Needless to add that the Reference Court shall permit withdrawal of the amount by the claimants.

7 If the compensation amount awarded under the impugned Award has been withdrawn by the claimants on furnishing bank guarantee or security, the same shall be cancelled and returned to the claimants.

(A.S. OKA, J)
HEAD OF THE PANEL

(S.R.KHANZODE)
MEMBER

(A.M.CHANDEKAR)
MEMBER