

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 7505 OF 2018
IN FA/1316/2014**

**INDIAN AIRLINES CORPORATION LTD. NOW AIR INDIA
VERSUS
KAMLADEVI ANANDRAM JAWAHARANI DIED ANANDRAM HARIOMAL
JAWAHARANI DIED REKHA GORISH**

Mr.J.V. Deshpande, Advocate for the applicant.
Mr.L.D. Vakil, Advocate for respondent Nos.1A to 1C, 2 & 3.
Mr.S.B. Deshpande, ASG for respondent Nos.5 & 6.
Mr.N.S. Choudhari, Advocate for respondent No.7.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.
DATED : 20.07.2018**

P.C. :-

1. Heard Mr.J.V. Deshpande, learned Counsel for the applicant, Mr.L.D.Vakil, learned Counsel appearing for respondent Nos.1A,1B,1C,2 and 3 through General Power of Attorney holder - Smt. Lata Deepak Jawaharani, Mr.S.B. Deshpande, learned ASG for respondent Nos.5 & 6 and Mr.N.S. Choudhari, learned Counsel appearing for respondent No.7.

2. By way of present application, it is submitted by the appellant that the parties have arrived at amicable settlement. Mr.J.V. Deshpande further submitted that respondent No.4—Capt.S.N. Singh was in the

employment of the appellant – Indian Airlines Corporation Ltd. (hereinafter referred to as “Corporation” for the sake of brevity). Learned Counsel Mr.J.V. Deshpande then submitted that the liability of compensation was fastened jointly and severally on the appellant as well as respondent Nos.4,5,6 and 7. He then submitted that a pursis is filed in this Court by the appellant to the effect that the appellant be permitted to delete respondent No.4 as respondent No.4 is not a necessary party, in view of the fact that the appellant-Corporation takes responsibility of respondent nos.4,5,6 and 7. Learned Counsel Mr. Deshpande then submitted that no orders are passed on the pursis but the appellant already submitted to this Court that respondent No.4’s name be deleted from the array of the respondent as respondent No.4 is not necessary party.

3. Then Learned Counsel Mr. J.V. Deshpande invited our attention to the consent term placed on record and other documents in the form of General Power of Attorney. Then our attention is also invited to the pursis filed on 20.07.2018 to submit that in a tabular form the appellant submitted before this Court the amounts in decree and amounts deposited with interest till 31.03.2016 in this Court under the orders passed in Civil Applications. Perusal of the consent terms shows that the parties i.e.

respondents agreed to accept the amount deposited in this Court along with interest accrued thereon in full satisfaction and payment of their claim in Special Civil Suit Nos. 476 & 478 of 1995 and on receipt of the amount, the respondents agreed to withdraw the appeals preferred by the appellant-Corporation. It is further submitted in the consent term that in view of withdrawal of the appeals neither party shall have any claim against each other whatsoever in respect of these matter including the costs. The consent terms are duly signed by the learned Counsel appearing for the applicant, learned Counsel appearing for respondent Nos.1,2,1A, 1B, 1C & 3 and general power of attorney holder Smt. Lata Deepak Jawaharani.

4. Thus, it is submitted in the application that in view of the amicable settlement arrived at between the parties, as reflected in the consent terms, which are placed on record, the appellant be permitted to withdraw the appeals. In view of above referred facts, the appellant-Corporation is permitted to withdraw the appeals.

5. Learned Counsel appearing for the parties admit that in First Appeal No.1315 of 2014 amount in decree was Rs. 7,63,561/- and amount deposited in this Court till

31.03.2016 is Rs.7,80,578/-, whereas the amount of decree in First Appeal No.1316 of 2014 is Rs.19,31,095/- and amount deposited with interest till 31.03.2016 is Rs.41,55,092/-. The parties agreed to the direction that general power of attorney Smt. Lata Deepak Jawaharani be permitted to withdraw these respective amounts in these two appeals. In view of the submissions and undertaking given to this Court, office is directed to permit to withdraw the amount through general power of attorney Smt. Lata Deepak Jawaharani.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]