

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3789 OF 2017

Alka Ashok Dighe
& another

Appellants

Versus

Shri Minanath Sitaram Kute
& others

Respondents

Mr. Shaikh Mazhar A. Jahagirdar, advocate for appellants.
Mr. R.B. Dhakne, advocate for respondents 3, 4, 5 and 6.

CORAM : M.S. SONAK, J.
DATE : 7th FEBRUARY, 2018

PER COURT:

1. Mr. Jahagirdar, learned counsel for appellants, seeks leave to delete respondents 1 and 2 from the array of parties, since, compromise has been arrived at between appellants and respondents 3 to 6 and further, the main issue in this appeal was with regard to apportionment of compensation between appellants and respondents 3 to 6. Accordingly, leave is granted as prayed for. Necessary amendment be carried out forthwith.
2. Learned counsel for appellants filed in consent terms / compromise pursis, which are taken on record and marked 'X' for identification. Leave is granted to carry out amendment to the compromise pursis as well so as to delete respondents 1 and 2. This amendment is also to be carried out forthwith.
3. Compromise pursis bears thumb impression of appellant no.

1, who has been duly identified by learned counsel for appellants. Appellant no. 2 is a minor under the guardianship of appellant no.

1. Appellant no. 1 is the natural guardian of appellant no. 2, who is her son, by name Sumeet. Appellant no. 1 is present in the Court and, upon query from the Court, states that she put her thumb impression to this compromise pursis after understanding full scope and import of the compromise terms.

4. Compromise pursis also bears signature of respondent no. 3 who has signed for self and as power of attorney holder for respondents 4, 5 and 6 who, in any case, are her children. Respondent no. 3 has been identified by her advocate. Respondent no. 3 also states that she has signed the compromise pursis by understanding its scope and import.

5. Compromise pursis has been signed by advocates for the parties not only for the purpose of identifying the parties but also as advocates for the parties having power to compromise the matter.

6. The terms of compromise appear to be fair and reasonable and therefore, the appeal is disposed of on the basis of the consent term / compromise pursis which, as noted earlier, is marked as 'X' for the purpose of identification.

7. Appeal is accordingly disposed of in aforesaid terms.

8. Impugned award is modified accordingly. If compensation amount is deposited before the concerned Motor Accident Claim

Tribunal then, the parties will be entitled to withdraw said amount in terms of the impugned judgment and award, as modified by the present order.

9. Pending civil application, if any, does not survive and stands disposed of.

(M.S. SONAK, J.)

dyb