

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT

CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3073 OF 2017
IN
FIRST APPEAL (ST) NO. 27048 OF 2017

Municipal Corporation of Gr. Mumbai ... Applicant
V/s.
Mr. Jitendra Damodar Patil,
through his next friend
and father Mr. Damodar Narayan Patil ... Respondent.

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Mr. Vishal Dhende a/w. Mr. A.R. Sawant I/by. S.K. Legal
Associates LLP, Advocate for the appellant.

Ms. Ruchika Dave I/by. Mr. S.S. Vidyarthi, Advocate for the
respondent.

CORAM : HON'BLE SHRI. SANDEEP K.SHINDE J,
(HEAD OF THE PANEL).

SHRI. C.D. GONGLE,
(RETIRED DISTRICT JUDGE), &

SHRI. V.R. KACHARE,
REGISTRAR (JUDL-II)

DATED : 14TH JULY, 2018.

P.C. :

1. The BEST Undertaking has preferred this Appeal

against the judgment and award dated 4th February, 2017 passed by the Motor Accidents Claim Tribunal, Mumbai in Application No. 2074 of 2013 whereby the appellants were directed to pay compensation in the sum of Rs.18,57,000/- with interest at the rate of 8% p.a. from the date of filing of the claim till its realisation. Aggrieved by the Award as aforesaid, this Appeal is preferred alongwith an application for condonation of delay.

3. Heard Learned Counsel for the appellant and Learned Counsel for the respondent. Sufficient cause is shown for condoning the delay. The delay is accordingly condoned. The Civil Application is allowed in terms of prayer clause (a).

4. Perused the order passed by this Panel on 22nd April, 2018. Today, father of claimant is present. Even otherwise, the claim was preferred by the injured through his father. He is identified by the Learned Counsel for the original claimant. The copy of the Aadhar Card is taken on record.

6. The parties have settled the claim and reduced the settlement into writing. The consent terms are taken on record. The contents of the consent terms are verified. Damodar Narayan Patil who is present before the Court has agreed to settle the claim for a sum of Rs.21,00,000/- including the no-fault liability. The consent terms are read over to Damodar Narayan Patil. The consent terms are taken on record and marked 'X' for identification. The Appeal is disposed of in terms of the consent terms. The Award be drawn accordingly. Refund of court-fees as per rules. The Appeal and the Civil Application is disposed of.

7. The statutory deposit of Rs.24,41,184/- made by the appellants be refunded to the appellants. The Learned Tribunal is directed to refund the balance amount to the appellants in terms of the consent terms which also includes the statutory deposit.

8. In this case, the injured is hardly 26-27 years old. He has suffered 100% disability. He is wholly dependent on his

parents. His parents are of advance age. The injured is unmarried. He has two brothers. In view of these peculiar facts and particularly considering 100% disability suffered in the accident, it would be appropriate if a scheme is prepared for expending the amount of compensation approved by the Learned Member of the Motor Accidents Claim Tribunal (MACT). That as such, the respondent is directed to prefer an application before the Learned Member of the MACT, Mumbai explaining as to in what manner the compensation amount will be utilised for the medical treatment of the injured and for such other expenses which the appellant may have to incur. The Tribunal will consider in the facts of the case and also keeping in mind the age of the injured, shall pass appropriate orders to keep certain amount of the compensation in Fixed Deposit in the name of the injured person as it deems fit and proper in the facts of the given said. If such an application is preferred, the Tribunal shall make endeavour to dispose the same preferably within four weeks. Until such order is passed, the amount of compensation shall not be withdrawn by the respondents. With these directions, the Appeal and the Civil

Application is disposed of.

(V.R. KACHARE)
REG. (JUDL-II)

(C.D. GONGLE)
RETD. D.J.

(SANDEEP K. SHINDE, J)
HEAD OF THE PANEL