

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

FIRST APPEAL (ST) NO.32356 OF 2015

The Municipal Corporation of Gr.Mumbai
Through the General Manager
of Best Undertaking ... Appellant.
V/s.
Nirmala Sandeep Gavhane & Ors. ... Respondents.

Ms. Kavita Anchan with Mr. Vishal Dhende i/by M.V.Kini & Co., Advocates
for the Appellant.
Mr. B.M.More, Advocate for the Respondents.

CORAM : **S.K.SHINDE J**
(HEAD OF THE PANEL).
S.R. SALKUTE, OFFICER ON SPECIAL
DUTY, MEMBER AND
A.M.CHANDEKAR, PROTHONOTARY &
SENIOR MASTER, MEMBER.

DATED : 22nd APRIL 2018.

P.C. :

1] This First Appeal is arising out of the award dated 12.3.2015 passed in Motor Accident Claim Application No.214 of 2009 whereby the Appellant was directed to pay compensation in sum of Rs.25,66,953/- to the Respondents with interest @ 7.5% p.a. from the date of presentation of the application till entire realisation of the amount.

2] That after due deliberations, parties have settled the claim in

sum of Rs.25 Lakhs. The learned counsel appearing for the Appellant on instructions from Mr. Sushil Pawar makes a statement that Rs.24.50 Lakhs shall be deposited in the Tribunal within eight weeks from today. She submits that Rs.50,000/- were already deposited towards NFL claim as full and final settlement. Statement of the learned counsel on instructions of Mr. Sushil Pawar is hereby accepted.

3] The learned counsel appearing for the Respondents/Claimants accepts the offer made by the Appellants. Original Claimant, i.e., Respondent No.1 herein is present before the Court. She is identified by her PAN Card No.2566 3966 1607, copy of which is taken on record. She has accepted the offer of the Appellants. That as such, claim stands satisfied for sum of Rs.25 Lakhs. That as such, the Appellant shall deposit Rs.24.50 Lakhs in the Tribunal within eight weeks from today. It is informed that Rs.25,000/- were already deposited in this Court towards the statutory deposit. Office is directed to transfer the said sum to the office of the Tribunal.

4] In the result, the Appellants shall deposit Rs.24.25 Lakhs before the Tribunal. The said sum shall be withdrawn by the Respondents (Original Claimants).

5] The learned counsel for Claimants has preferred before this

Court an application seeking apportionment of compensation. Since the Respondent No.4,5 are not present before the Court, Claimants are directed to prefer such application before the learned Tribunal. The Tribunal shall decide the said application in accordance with law.

6] Office is directed to refund Court-fees to the Appellant in accordance with the provisions of the Court-fees Act.

7] In view of the aforesaid order, the First Appeal is disposed of.

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

(S.R.SALKUTE)
MEMBER

(A.M.CHANDEKAR)
MEMBER