

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

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 36654 OF 2017

ALONGWITH
CIVIL APPLICATION NO. 1074 OF 2018
AND
CIVIL APPLICATION NO. 1075 OF 2018
IN
FIRST APPEAL (ST) NO. 36654 OF 2017
IN
M.A.C.T. APPLICATION NO. 2245 OF 2011

Brihan Mumbai Mahanagar Palik	...	Appellant
V/s.		
Shri. Shantaram Niranjana Gautam		
and anr.	...	Respondents

* * * * *

Mr. Madhukar Kalsunkar I/by. Navdeep Vora & Associates,
Advocate for the appellant.

Mr. Sanjay P. Kolekar, 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 appellant herein is BEST Undertaking. The appeal is preferred against the judgment and Award dated 21st March, 2017 whereby the appellants were directed to pay an amount of Rs.6,11,000/- to the appellants with simple interest at the rate of 9% p.a. from the date of presentation of claim till its realisation.

2. This appeal was placed before the panel of Lok-Adalat on 22nd April, 2016. Parents of deceased who are claimants were present before the panel. The claimants are from Uttar Pradesh. After hearing the appellants, the panel of Lok-Adalat was of the opinion that the settlement arrived at between the parties requires a re-look being not “just” and as such appellants were directed to reconsider it.

3. Heard Learned Counsel for the appellant and the respondents. The Learned Counsel for the appellant has

informed across the bar that BEST Undertaking is not willing to revise the settlement amount of Rs.6,00,000/-. The Learned Counsel for the respondents, on instructions, accepts and agrees to settle the matter for Rs.6,00,000/- which includes the no-fault liability claim. Today, original claimants are not present before the Court. Their son, by name, Vijay Shantaram Gautam is present before the Court. The consent terms dated 22nd April, 2018 were placed before the panel of Lok-Adalat on 22nd April, 2018. The consent terms bears the thumb impression of the claimants duly attested by the Learned Counsel appearing for them. On the last Lok-Adalat, this Panel had verified the contents of the consent terms and as such there is no impediment to accept and admit the consent terms. Even otherwise, the claimants have appointed their son, Vijay Shantaram Gautam as their Attorney to represent them before the Lok-Adalat and give consent. The certified copy of the said Power of Attorney executed by the claimants on 24th April, 2018 is taken on record. The panel, read over the contents of consent terms to Vijay Shantaram which he admits.

4. Be that as it may, after perusing the proceedings the Panel hereby admits the consent terms. The consent terms are taken on record and marked 'X' for identification. The certified copy of the Power of Attorney is also taken on record and marked Exhibit-X-1.

5. In view of the consent terms, nothing survives in the Appeal. Appeal stands disposed off in terms of the consent terms. Award be drawn accordingly.

6. In Appeal itself is disposed off, nothing survives in the Civil Application. The same also stands disposed of.

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

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

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