

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE V. K. JADHAV,
HELD ON 13TH JULY, 2019,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD**

FIRST APPEAL NO. 1777 OF 2019

SMT. MANDABAI ABLYA @ ABHSINGH MORE
VERSUS
RAJENDRA DHUDKU KHEDKAR AND ANOTHER

.....
Advocate for the appellants: Mr. Shrikant S. Patil
Advocate for respondent No.2: Mr. S.G. Chapalgaonkar

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(01)

O R D E R

1. This is an appeal preferred by the original claimants against the judgment and award passed by the Motor Accident Claims Tribunal, Shahada. The matter is settled between the parties amicably and the terms of compromise are placed before the panel by Mr. S.S. Patil, learned counsel for the appellants-original claimants and Mr. S.G. Chapalgaonkar, learned counsel appearing for the respondents-insurer.

2. Mr. Mahendra Pratapsingh Virat, Administrative Officer, United India Insurance Company Ltd. Divisional Office, Aurangabad is present in person. The appellants-original claimants are present before the panel. The appellant No.4 Kirti is minor and under guardianship of claimant No.1 Mandabai. During pendency of this first appeal, the appellant original claimant No.5 Gangubai @ Gangalibai died. Learned counsel for the appellants-original claimants has submitted death certificate to that effect

and the same is taken on record. Learned counsel has also submitted the pursis to the effect that her legal heirs are already on record. The parties are duly identified by their respective counsel. The parties admit the contents of the compromise and their signatures/thumb impressions on it. Thus, the terms of compromise stands verified. The said compromise is taken on record and marked "X" for identification.

3. Learned counsel for the appellants original claimants submits that during pendency of this first appeal alongwith the application seeking condonation of delay filed way back in the year 2016, the appellant-original claimant No.3 Kalpana has attained the majority. The pursis to that effect is also filed today, the same is also taken on record. Learned counsel submits that the appellant-original claimant No.2 is elder daughter and inadvertently her age is shown as 8 years instead of 18 years. Leave to correct the age in the appeal memo. Correction be carried out forthwith.

4. A separate application has been filed to effect the compromise on behalf of the minor claimant i.e. appellant No.4 and also learned counsel appearing for the claimants issued a certificate to the effect that the compromise is being effected taking into account the welfare of minor claimant. The said application seeking permission and certificate issued by the learned counsel are taken on record.

5. The award be drawn up in terms of the compromise placed on record, as aforesaid. In terms of the compromise arrived at between the

parties, the first appeal is disposed of. Refund of court fees as per Rules.
The parties to bear their own costs.

6. The pending Civil Applications, if any, are also disposed of.

7. Learned counsel for the respondent insurer, on instructions, submits that the amount in terms of the compromise will be deposited before the Motor Accident Claims Tribunal, Shahada within 45 days from the date of this order. If the amount so deposited before the Tribunal, the claimants are permitted to withdraw the same.

(K.C.Sant)
Advocate
Member

(V.B. Mantri)
D.J.(Retd.)
Member

(V. K. Jadhav, J.)
Head of the Panel

Date: 13.07.2019
Place: Aurangabad

rlj/