

IN THE HIGH COURT OF BOMBAY AT GOA
GOA STATE LEGAL SERVICES AUTHORITY
LOK ADALAT

Sitting :- 14th December, 2019

Panel - 2: SHRI. JUSTICE F. M. REIS,
(FORMER JUDGE OF HIGH COURT OF
BOMBAY AT GOA) PRESIDING
OFFICER &

SMT. NORMA ALVARES,
(ADVOCATE) MEMBER &

SHRI. R. G. RAMANI,
(ADVOCATE) MEMBER

FIRST APPEAL NO. 17 OF 2015

NATIONAL INSURANCE CO. LTD.,	... Appellant
Versus	
POONAM PUNO GAONKAR AND 2 ORS.,	... Respondents

Ms. Y. Mandrekar, Advocate for the appellant.
Shri P. S. Anvekar, Divisional Manager and Ms. Vidhi Tawarmalani,
Deputy Manager, representative of the appellant present.
Shri I. Agha, Advocate for the respondent nos.1 and 2.

M I N U T E S

Ms. Y. Mandrekar, learned Counsel alongwith Shri P. S. Anvekar,
Divisional Manager and Ms. Vidhi Tawarmalani, Deputy Manager,
representative of the appellant present.

2. Shri I. Agha, learned Counsel alongwith respondent no.1 for self
as well as guardian for the respondent no.2 present.

3. The challenge in this appeal is to the award passed by the Motor
Accident Claims Tribunal inter alia directing the payment of
Rs.18,43,000/- alongwith interest at the rate of 9% per annum from
the date of filing of the claim petition until final payment alongwith

costs.

4. Having heard the parties in person who are present alongwith their respective counsel and taking note of the dispute, and with the assistance of the insurance company we persuaded the parties to settle the dispute. We noted that both the learned counsel fairly conceded as far as legal implications and assisted us in coming to a just figure to be awarded in the above appeal.

5 The main objection to the impugned award by the learned counsel appearing for the appellant is that relying upon the judgment of the Apex Court in the case of National Insurance Company Limited Vs Pranay Sheti and others in SPL(Civil) No.25590/2014, the amount awarded by the learned MACT on three different heads namely loss of consortium, loss of love and affection and funeral expenses, has to be reduced.

6. The learned Counsel appearing for the respondent nos.1 and 2 taking into consideration the judgment of the Apex Court fairly accepts that the amount could be reduced accordingly.

7. Having considered all the aspects of the matter and the amount deposited in this Court while obtaining stay of the operation of the impugned award dated 15.10.2014 and after mutual discussion with the parties and their respective counsel, it was agreed between the parties that towards a full and final settlement of the amount payable by the appellant to the respondent nos.1 and 2, the appellant be directed to pay a sum of Rs.17,50,000/- besides sum of Rs.50,000/- already received by the said respondents under No Fault Liability.

The balance amount of Rs.3,04,591/- be refunded to the appellant herein. The Deputy Manager present on behalf of the appellant points out that he has obtained oral instructions from the higher authority to settle the matter in the above terms but however points out that he will place the written instructions from the higher authority within one week from today.

8. Hence, we pass the following order:-

- i. The impugned award dated 15.10.2014 passed by the Motor Accident Claims Tribunal stands modified.
- ii. The appellant/Insurance Company is accordingly directed to pay a sum of Rs.17,50,000/- to the respondent nos.1 and 2 besides a sum of Rs.50,000/- already paid towards No Fault Liability. The appellants are permitted to get the refund of a sum of Rs.3,04,951/- deposited in this Court.
- iii. Needless to say that the said respective amounts so awarded will be alongwith accrued interest there on, if any.
- iv. The amount deposited shall be paid in terms of apportionment in the impugned award
- v. No order as to costs.

SHRI. JUSTICE F. M. REIS,
(FORMER JUDGE OF HIGH COURT OF
BOMBAY AT GOA) PRESIDING
OFFICER

SMT. NORMA ALVARES,
(ADVOCATE) MEMBER

SHRI. R. G. RAMANI,
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