

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

FIRST APPEAL NO.1295 OF 2018  
WITH  
CIVIL APPLICATION NO.2081 OF 2019

The Bombay Electric Supply & Transport  
Undertaking

Appellant

versus

Smt.Rakshata Rajendra Berde and others

Respondents

Ms.Kavita Anchan with Henna Chaika I/by M.V.Kini & Co. for  
appellant.

Mr.D.S.Joshi with Mrs.S.U.Mehata for respondent nos.1 to 3 in F.A.

Mr.Sushil Bhimrao Pawar, Asstt.Admn.Manager of BEST, present.

CORAM : PRAKASH D. NAIK, J;  
MR.S.R.KHANZODE  
(Retd.Principal District Judge) and  
MR.K.N.SHINDE  
(Deputy Registrar)

DATE : 13<sup>th</sup> July 2019

PC :

1. Not on board. The matter is mentioned and taken on board for settlement in view of order dated 21<sup>st</sup> June 2019 passed by regular Court.

2. The parties have arrived at amicable settlement. The consent terms dated 13<sup>th</sup> July 2019 are executed between the parties. The officer of appellant is present in the Court. The respondents are also present in Court. They are identified by their advocate. The consent terms are taken on record and marked "X" for identification.

3. Perused the consent terms. It is stated therein that in full and final settlement of decree dated 4<sup>th</sup> February 2017 in MACT Application No.1870 of 2010, the respondents i.e. Mrs.Rakshata Rajendra Berde and others i.e. wife, minor child and mother of the deceased late Mr.Rajendra Berde on behalf of other respondents, shall withdraw a sum of Rs.27,00,000/- from Motor Accident Claims Tribunal and upon receipt of the said payment, the entire decree shall stand settled and satisfied and the respondents shall have no claim of whatsoever against the appellant.

4. The apportionment be made as under :

(a) 65% of the settled amount may be withdrawn by respondent no.1 Mrs.Rakshata Rajendra Berde, wife of deceased Mr.Rajendra Berde. 65% amount comes to Rs.17,55,000/-;

(b) 25% of the settled amount may be withdrawn by respondent no.2 Mrs.Rajashri Vithoba Berde, mother of deceased. 25% comes to Rs.6,75,000/-;

(c) 10% of the settled amount may be invested in the name of minor daughter Kum.Roshni Berde. 10% amount comes to Rs.2,70,000/- in any nationalized bank till she attains the age of majority or be paid to her by account payee cheques on proof of majority.

5. It is agreed between the parties that the appellants shall withdraw the balance amount along with accrued interest deposited

in MACT Application No.1870 of 2010 before Motor Accident Claims Tribunal as well as Rs.25,000/- deposited in this Court with interest accrued thereon, if any.

6. The contents of the consent terms are also ascertained from the parties present in Court. Hence, in accordance with the consent terms, the First Appeal is disposed of. Civil Application, pending if any, is disposed of.

(K.N.SHINDE)

(S.R.KHANZODE)

(PRAKASH D. NAIK, J.)

MST