IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.644/2011
with
Civil Application No.4178/2011

Reliance General Insurance Co. Ltd. ..... Appellant

vs.

Shri Dilip Baburao Waghmare & Ors. ..... Respondents

Mr. Rahul Mehta I/b. KMC Legal Venture for the Appellant
Mr. J. J. Bardeskar for the Respondent

CORAM : K.K.TATED, J.
DATED : JUNE 28, 2019

P.C.

1 Heard. By this First Appeal, the Appellant Insurance Company challenges the judgment and award dated 07.01.2011 passed in MACP No.467/2009 holding that the Respondent – Claimants are entitled to sum of Rs.6,22,400/- with interest @ 7.5% p.a.

2 During the course of arguments, both the counsel submit that the matter can be disposed of by minutes of order. They tendered minutes of order dated 28.06.2019 duly signed by the parties and their respective counsel. As per clause 3 of the consent minutes of order, the First Appeal shall stand dismissed against Respondent No.4. The consent minutes read thus:

"IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO: 644 OF 2011

RELIANCE GENERAL INSURANCE CO. LTD ....APPELLANT

V/S

SHRI DILIP BABURAO WAGHMARE & ORS....RESPONDENTS

<u>MINUTES OF THE ORDER</u>

1. The Appellant and the Respondent No:1 to 3 have agreed to modify the impugned Judgment and Award by consent. The sum of Rs 6,22,400/- awarded by the MACT, Kolhapur in MACT Application No: 467 of 2009 @ Kolhapur shall stand modified to the sum of Rs 4,68,800/-.

2. The other components i.e. interest and costs on the modified amount of Rs 4,68,800/- shall remain the same. The Respondent No:1 to 3 i.e. Original Claimants will be therefore entitled to withdraw the sum of Rs 4,68,800/- along with proportionate interest on the said amount of Rs 4,68,800/-. The balance amount of Rs 1,53,600/- with proportionate interest on the same shall be refunded to the Appellant Insurance Company.

3. The Appeal against the owner i.e. the Respondent No:4 shall stand dismissed.

4. The sum of Rs 25,000/- deposited at the time of filing of the First Appeal shall stand transferred to the MACT, Kolhapur in the account of MACT No: 467 of 2009 with

accrued interest if any and the parties shall make appropriate application for withdrawal of the same in the manner as the amount stands apportioned between the parties as in item No:1 and 2 above.

5. There shall be no order as to costs.

KMC Legal Venture
Partner
Advocates for the Appellant

Advocate for the Respondent No:1 to 3”

3 The First Appeal stands disposed of in terms of the consent minutes of order dated 28.06.2019.

4 In view thereof, nothing survives in the Civil Application. Same stands dismissed as infructuous.

5 Refund of Court Fees as per the Rules.

(K.K.TATED, J.)