

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.1002 OF 2009
WITH
CIVIL APPLICATION NO.2611 OF 2009
IN
FIRST APPEAL NO.1002 OF 2009**

National Insurance Co. Ltd. ...Appellant
Versus
Dinanath Ram and Ors. ...Respondents

.....

Ms Kavita Anchan with Mr. Arsh Mishra and Ms Heena Shaikh I/b.
M/s. M.V. Kini Law firm for the Appellant.
Ms Janhavi Naik (Legal A.O. for the Insurance Co.)
Mr. Tejas Dande with Mr. Bhushan Shaluskar with Mr. Bharat Gadhavi
and Mr. Vishal Navale for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th MARCH, 2019.

P.C.:-

The Appellant-Insurance Company has challenged the impugned judgment and order dated 7/10/2008 passed by the Member, Motor Accident Claims Tribunal, Pune, in Claim Application No.250 of 2005.

2. By the impugned judgment the Claims Tribunal has directed the Appellant-Insurance Company to pay to the Respondent Nos.1 and 2, who are the original claimants sum of Rs.15,41,000/-with interest @ of Rs.8% per annum from the date of application i.e. from

1/3/2005 till realization of the amount. Pursuant to the order of this Court the Appellant-Insurance Company has deposited an amount of Rs.20,06,558/- which is inclusive of interest.

3. The learned counsel for the Appellant and the learned counsel for the Respondents have submitted that the parties have settled the matter amicably. They have placed on record consent terms, which are duly signed by the Respondent Nos.1 and 2-original Claimants, authorised officer of the Appellant-Insurance Company and their respective counsel. Said terms read thus:-

“1. The present Appeal was filed by the Appellant challenging the Judgment, Order and Award dated 07.10.2008 passed by MACT, Pune in Claim Application No.250 of 2005.

2. Pursuant to the above referred Judgment, Order and Award, the Appellant deposited an amount of Rs.20,06,558/- before this Hon'ble Court, the parties agree that the said entire amount deposited shall be withdrawn by the Respondents alongwith 60% of the interest accrued with immediate effect.

3. The parties further agree that the Appellant shall

withdraw 40% of the interest accrued on the above referred deposited amount.

4. Upon being withdrawal of the amount as aforesaid claims of the aforesaid parties are settled fully and finally and there shall be no other claims against each other in respect of the award 7/10/2008.
5. The Appellant Insurance company shall also withdraw the amount of Rs.25,000/- with accrued interest, if any and if so deposited in this Hon'ble Court at the time of filing First appeal, in addition to aforesaid decretal amount.”

4. The Respondent Nos.1 and 2 /original claimants as well as authorised officer of the Insurance company are present before the Court. They confirm that they have agreed to settle the dispute as per the consent terms. They confirm the contents of the consent terms and state that the terms are agreeable to them. The consent terms are taken on record and marked 'X' for identification.

5. The first appeal stands disposed of as per the said consent terms. Award be drawn accordingly.

6. The civil application stands disposed of in view of disposal of the first appeal.

(SMT. ANUJA PRABHUDESSAI, J.)