

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL STAMP NO. 17572 OF 2019
WITH
CIVIL APPLICATION NO. 2892 OF 2019

Reliance Gen Insurance Co. Ltd. .. Appellant
Vs.
Mr.Saami Fahad Mohammed Ghaus and anr. .. Respondents

Ms.Shalini Shankar, for the Appellant.
Mr.M.R.Sherekar, for the Respondent No.1.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Not on board. Pursuant to the praecipe filed by the learned Counsel for the appellant, matter is shown in the Production Board.

2. Heard learned Counsel for parties.

3. Both the learned Counsel submit that the matter is

settled out of Court. They have tendered Consent Terms duly signed by appellant and respondent No.1 – original claimant.

4. Respondent No.1 – original claimant entered into witness box. He accepted the contents of the consent terms as well as execution thereof. Consent Terms are taken on record and marked 'X' for identification. Consent Terms read thus :

“ **CONSENT TERMS**

- 1) The Respondent no.1 had filed an injury claim in MACT Mumbai being case no.1589 of 2011 and judgment was passed for Rs.7,16,504/- on 04th June 2018 under Section 166 of the M.V. Act 1988.
- 2) The Appellant and Respondent no.1 amicably settled the issues and have decided to settle the first appeal filed by the appellant herein.
- 3) The Appellant submit that the Respondent no.1 have agreed to settle the matter for the principal amount of Rs.10,00,000/- and waive the entire interest till date.
- 4) The Appellant has already deposited the award amount of Rs.7,16,504/- with MACT Mumbai along with statutory deposit amount of Rs.25,000/- as per the Rules.
- 5) The Appellant submit that the statutory deposit of Rs.25,000/- be transferred to MACT Mumbai and Conditional Court Fees of Rs.20,910/- be adjusted with the settlement amount accordingly as per the Rules.

6) However it has been mutually decided by the Appellant & Respondent no.1 that the Court Fees with Interest be refunded to the Appellant till date as per the Rules.

7) The Court Fees with interest be refunded to the Appellant till date as per the Rules.

8) The said parties have agreed to the above consent terms.

9) The Appeal be disposed off as settled between the parties.

Advocates for Appellant

Appellant

Advocate for Respondent no.1

Respondent no.1

Mumbai :- dated this 20th day of Aug, 2019”.

5. Registry is directed to transfer a sum of Rs. 25,000/- deposited by the appellant at the time of filing of First Appeal along with interest, if any, to the Motor Accident Claims Tribunal, Mumbai in the account of Motor Accident Claims Petition No. 1589 of 2011 as early as possible.

6. Learned Advocate appearing on behalf of the appellant submits that they have no objection if the entire

amount is withdrawn by respondents – claimants without furnishing any security.

7. First Appeal and Civil Application stand disposed of in terms of Consent Terms. Consent Terms to be treated as part and parcel of decree.

(K.K.TATED, J.)