

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

FIRST APPEAL (ST.) NO.19891 OF 2017
WITH
CIVIL APPLICATION NO.2300 OF 2017
WITH
CIVIL APPLICATION NO.2302 OF 2017

BHARTI AXA General Insurance
Company Limited .. Appellant

vs.

Smt.Sushila Naryan Pujari & Others .. Respondents

Mr.Nikhil Mehta i/b M/s.KMC Legal Venture for the
applicant

Mr.T.J.Mendon for the respondent nos.1 and 2

CORAM: K.K.TATED, J.
DATED : OCTOBER 16, 2019

P.C.

1 Heard.

2 The learned counsel for the appellant submits that by this First Appeal, they are challenging the judgment and award dated 16.11.2016 passed by MACT, Mumbai in Claim Application No.1042 of 2011 holding that the Respondent original Claimants are entitled compensation of Rs.10,95,000/- with interest @ 9% p.a.

3 Both the counsel submit that matter is settled between the appellant and original Claimants. They tendered

consent minutes of order dated 16.10.2019 duly signed by the advocate for the appellant as well as the advocate for Respondent nos.1 and 2 original Claimants. Same is taken on record and marked 'X' for identification which read thus:

"CONSENT MINUTES OF THE ORDER"

1. The Appellant and the Respondent No:1 and 2 have agreed to modify the impugned Judgment and Award by consent. The Appellant herein will deposit an amount of Rs 3,72,300/- with interest @ 8% per annum from the date of the Application out of the total awarded amount of Rs 10,95,000/- within a period of 6 weeks from today in the Motor Accident Claims Tribunal @ Mumbai.
2. The Respondent No:1 and 2 i.e. Original Claimants will be therefore entitled to withdraw the sum of Rs 3,72,300/- along with interest @ 8% per annum thereon from the date of the Application as envisaged in paragraph 1 above, in their already decided share of 80% and 20% respectively.
3. The Appeal against the rest of the parties i.e. the Respondent No: 3 to 7 shall stand dismissed.
4. The sum of Rs 25,000/- deposited at the time of filing of the First Appeal shall stand forthwith

transferred to the MACT, Mumbai in the account of MACT No: 1042 of 2011 with accrued interest with liberty to the Appellant to have withdrawn the same.

5. The Respondent No:1 and 2 , immediately on filing the present Minutes of the Order undertakes to withdraw the execution proceedings filed before the MACT @ Mumbai.

6. In view of the dismissal of the First Appeal all pending Civil Applications stand dismissed off and do not survive.

7. There shall be no order as to costs.

4 First Appeal as well as pending Civil Applications stand disposed of in terms of minutes of order.

5 No order as to costs.

(K.K.TATED, J.)