

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 1634 OF 2014****IN****FIRST APPEAL (ST) NO. 27250 OF 2013****ALONGWITH****CIVIL APPLICATION NO. 1635 OF 2014****IN****FIRST APPEAL (ST) NO. 27250 OF 2013****AND****FIRST APPEAL (ST) NO. 27250 OF 2013****Bajaj Allianz General Insurance Co. Ltd.****.....Applicant/
Appellant****VERSUS****Surajbhan Phoolsingh Kalyani & Ors.****.....Respondents****ALONGWITH****CIVIL APPLICATION (ST) NO. 21498 OF 2019****IN****FIRST APPEAL (ST) NO. 27250 OF 2013****Bajaj Allianz General Insurance Co. Ltd.****.....Applicant/
Appellant****VERSUS****Surajbhan Phoolsingh Kalyani,
(Since deceased through his legal heirs)
Satish Suryabhan Kalyani & Ors.****.....Respondents****Mr.Milind M. Sathaye for the Appellant.****Mr.Sandip Mishra, a/w. Mr.J.P.Gadiya for the Respondent nos. 1A to
1D, 2 and 3.****CORAM : R.D. DHANUKA, J.****DATE : 15th NOVEMBER, 2019**

P.C.

First Appeal not on board. Taken on board.

2. Learned counsel for the parties have tendered consent terms dated 15th November, 2019 duly signed by the parties and their respective advocates. The consent terms are explained to the claimant nos. 1C and 2 by their advocates in the vernacular language before signing the consent terms. The signatures of the parties on the consent terms are identified by their respective advocates. Consent terms are taken on record and marked 'X' for identification. Undertakings recorded in the consent terms are accepted.

3. Civil Application (St.) No.21498 of 2019 and Civil Application No.1634 of 2014 are allowed.

4. Amendment to be carried out within one week from today. Re-verification is dispensed with.

5. First Appeal is disposed of accordingly. No order as to costs.

6. In view of the disposal of the first appeal, Civil Application No.1635 of 2014 does not survive and is accordingly disposed of.

7. Refund of court fees, if any, as per rules.

8. Office is directed to transmit an amount of Rs.25,000/- deposited by the appellant by way of statutory deposit to the M.A.C.T., Thane in Motor Accident Claims Petition No.647 of 2007 expeditiously.

9. The respondents are permitted to withdraw the amounts deposited by the appellant in accordance with these consent terms expeditiously on production of authenticated copy of this order by the M.A.C.T.

[R.D.DHANUKA, J.]