

Anand

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

**CIVIL APPLICATION NO. 2396 OF 2017
IN
FIRST APPEAL (ST) NO. 34423 OF 2016**

**WITH
CIVIL APPLICATION NO. 2397 OF 2017
IN
FIRST APPEAL (ST) NO. 34423 OF 2016**

**WITH
FIRST APPEAL (ST) NO. 34423 OF 2016**

The Oriental Insurance Co. Ltd. Through
Motor Third Party Claim Hub

.Applicant/
Appellant

Vs.

Smt. Tanuja Santosh Revankar & ors.

.Respondents

Mr. D. S. Joshi, Advocate, for the Applicant

Ms Sonam Singh i/b. Mr. S. D. Butala, Advocate, for the
Respondent Nos. 1 to 5

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 26.02.2019

P.C.

. Parties are requesting the Court jointly to record
compromise as arrived at between them and to substitute the
amount in Award of MACP dated 06.05.2016 delivered in Claim

Application No. 2797 of 2009.

2. Insurance Company has filed this Appeal under Section 173 of the Motor Vehicle Act and as there is delay, Civil Application No. 2396 of 2017 is taken out to condone that delay of 57 days.

3. In view of compromise, Respondents have no objection, if delay is condoned.

4. Accordingly, we allow Civil Application and condone delay. Registry to register First Appeal.

ORDERS ON F. A. (ST) NO. 34423 OF 2016

5. The Appeal is directed to be registered today by condoning delay. Parties have tendered Consent Terms. The Claimants are Respondents Nos. 1 to 5 in present Appeal. They are present with their Advocate. Similarly, Appellant – Insurance Company has also signed Consent Terms and the Manager-In

charge is identified by its Advocate.

6. Consent terms are, accordingly, taken on record as Exh."A".

7. It is, therefore, clear that Respondent Nos. 1 to 5 are entitled to receive amount of Rs. 2,52,75,000/- from Appellant – Insurance Company. This sum is excluding the amount of Rs. 50,000/- which they have already received as no fault liability.

8. The Appellant – Insurance Company to deposit that amount with MACP, Mumbai within four weeks from today.

9. Amount of Rs. 25,000/- deposited with the Registry of this Court as a condition of filing Appeal shall also be transferred to MACP.

10. Thus, total amount available to MACP shall be Rs. 2,53,00,000/- and the same shall, thereafter, be dealt with and distributed as per apportionment order of MACP operative

part, 5 (a)(b)(c).

11. Thus, Award delivered by MACP is modified to that extent. Appeal is partly allowed and disposed of.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)