

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE SHRIKANT D. KULKARNI,
HELD ON 12TH DECEMBER, 2020,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD**

PB-209 FIRST APPEAL NO.2138 OF 2018

**THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER,
AURANGABAD** ... **APPELLANT**

VERSUS

**GULAB SHESHRAO GAIKWAD
AND OTHERS** ... **RESPONDENTS**

.....
Counsel for appellant : Mr. A. S. Usmanpurkar
Counsel for respondent No. 1 : Mr. N. H. Chavan h/f Mr. R. V. Gore

ORDER

1. It is an appeal preferred by the New India Assurance Company feeling aggrieved by the judgment and award passed by the MACT, Aurangabad. This appeal is settled between the parties namely appellant and original claimant No.1. Both parties have submitted terms of compromise before this panel in today's National Lok-Adalat. The terms of compromise pursis is taken on record and marked as Art. 'X' for identification. Mr. Sanket Bhimgade, Administrative Officer of New India Assurance Company Ltd. is present as well as the original claimant/ respondent No.1 is present along with his advocate Mr. N. H. Chavan. The claimant has been identified by the learned advocate for respondent No. 1.

2. The parties have settled their claim at Rs.15,18,047/-. The Insurance Company has deposited Rs.16,18,047/- in this Court. In view of terms of the compromise pursis, the appellant/Insurance Company is entitled to get back an amount of Rs.1,00,000/- with interest accrued thereon and same be paid to it.

3. Claimant has already withdrawn 50% of amount out of the settlement and remaining 50% amount is still to be withdrawn. The claimant/respondent No. 1 is permitted to withdraw remaining 50% excluding the amount payable to Insurance Company as per clause (2) of this order with interest accrued thereon and the Registry to issue account payee cheque in the joint name of original claimant/ respondent No. 1.

4. The appeal stands disposed of. The parties to bear their own costs.

5. The award be drawn up in terms of compromise pursis placed on record and marked as Art.'X'.

6. The court fee refund certificate be issued to the appellant/Insurance company as per rules.

7. The Chairman/Member, Motor Accidents Claims Tribunal, Aurangabad be informed accordingly.

8. The civil application, if any, stands disposed of.

(S. P. Brahme)
Advocate
Member

(S. G. Shete)
District Judge(Retd.)
Member

(Shrikant D. Kulkarni J.)
JUDGE
Head of the Panel

Date: 12.12.2020

mta