

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 FIRST APPEAL NO.830 OF 2020

Anjali D/o Rajabhau Vadi (Kulkarni)
Age : 40 years, Occ : Business &
Owner of Jeep, R/o Parikh Colony,
Tq. Sailu, Dist. Parbhani

..APPELLANT
(Orig.respondent no.1)

-VERSUS-

1. Sunita W/o Damodhar Pisal
Age : 35 years, Occ : Agri., & Household,
2. Eknath @ Kalyan S/o Damodhar Pisal
Age : 23 years, Occ : Education,
*(Amended as per leave granted
by Hon'ble Court vide order dated
04.09.2020)*
(Eknath S/o Damodhar Pisal
Age : 13 years, Occ : Minor)
3. Nawnath S/o Damodhar Pisal
Age : 19 years, Occ : Education,
*(Amended as per leave granted
by Hon'ble Court vide order dated
04.09.2020)*
(Age : 10 years, Occ : Minor,)

(Respondent Nos.2 and 3 are minors
U/g of their real mother is Resp.No.1)
*(Deleted as Resp. Nos.2 and 3 are
becomes major)*
4. Dattatrao @ Dattatraya S/o Dadarao Pisal
Age : 55 years, Occ : Agri.,
R/o Gogalgaon, Tq. Manwath,
Dist. Parbhani
5. The New India Assurance Company Ltd.,
Through its Branch Manager,
Yeshodeep Building, Shivaji Road,
Parbhani, Tq. & Dist. Parbhani

..RESPONDENTS
(Respondent Nos.1 to 4 –
Orig.Claimants, Respondent No.5–
Orig.Respondent No.2)

...
Mr.R.P. Adgaonkar, Advocate for the appellant
Mr.M.P. Tripathi, Advocate for respondent
Nos.1 to 4.
Mr.M.M. Ambhore, Advocate for Respondent
No.5.

...
CORAM : V.L.ACHLIYA,J.
(VIDEO CONFERENCING)
DATE : 15.09.2020

ORAL ORDER :

The appellant present along with her Advocate. Respondent Nos.1 to 4 present along with their Advocate. Mr.Ambore, learned counsel for the Respondent No.5 – insurance company present.

2. Learned counsel for the appellant and respondent nos.1 to 4 submit that the appellant and respondent nos.1 to 4 have mutually decided to settle the matter. The claimants have agreed to settle the claim made in the Petition fully and finally for Rs.5,15,000/-. Out of Rs.5,15,000/-, the amount of Rs.4,75,000/- already deposited with this Court and demand draft of Rs.40,000/- is brought for depositing the same in the Court.

3. Learned Advocates submit that the settlement has been reached voluntarily and

no one is forced to enter into settlement.

4. The appellant and respondent nos.1 to 4 are present with their respective Advocates in Court room. They are identified by their respective Advocates. The parties have also appeared before the Registrar (Judicial) for identification and verification of the consent terms. The Registrar has submitted the report. Consent Terms and Report of Registrar are marked as "X" and "Y" respectively for identification.

5. The parties present admit the terms of settlement and their respective signatures/thumb impression recorded on the consent terms. The terms of compromise are also signed by the Advocates representing the parties. The settlement appears to be genuine and in the interest of claimants. In view of above, the following order is passed :-

ORDER

(i) Appeal is disposed of in terms of consent terms filed as "X" for identification.

(ii) Registry to accept the Demand Draft of Rs.40,000/- from appellant in terms of settlement reached between the parties.

(iii) Appeal dismissed as against respondent no.5.

(iv) The court fees if any refundable then same be paid to the appellant.

(v) The award be drawn in terms of compromise.

(vi) All pending applications stand disposed of in terms of order in appeal.

(vii) The respondents are granted liberty to apply for withdrawal of amount.

[V.L.ACHLIYA]
JUDGE

SGA